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MR2753-2/CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Christopher S. Webb, et al.	:
Serial No:	10/066,597	: Art Unit #3622
Filed :	6 February 2002	: Examiner:
Title :	PATRONAGE INCENTIVE SAVING SYSTEM AND METHOD FOR RETAIL BUSINESSES	: J.D. Janvier

SUBMISSION OF APPEAL BRIEF

Director of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is an Appeal Brief for consideration by the Board of Appeals and Interferences of the U.S. Patent and Trademark Office. An original and two (2) copies of the Appeal Brief are enclosed.

A check in the amount of $250.00 is attached to this Transmittal Letter to cover the costs associated with the filing of the Appeal Brief. In the event that there are any further charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge such to Deposit Account #18-2011.

Respectfully submitted,

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Dated: 7/5/2005

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APPEAL BRIEF

REAL PARTY IN INTEREST

Christopher S. Webb and Thomas E. Katana

RELATED APPEALS AND INTERFERENCES

An Appeal Brief is being filed with this Appeal Brief relating to Serial #09/531,412 filed on 20 March 2004, where the subject Patent Application is a Continuation-in-Part of the Parent Application Serial #09/531,412.

STATUS OF CLAIM

Claims allowed

None.

Claims objected to

None.

Claims rejected (See Appendix A)

Claims 1-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Burke, U.S. Patent #6,112,191A in view of Kalina, U.S. Patent #6,243,688.

Claims pending

1-33.

Claims appealed

1-33.

Claims canceled

None.

STATUS OF AMENDMENTS

No Amendment was filed subsequent to the Final Rejection made in the Official Action dated 7 January 2005.

SUMMARY OF THE INVENTION

The problem

The Invention relates to a patronage incentive saving system for retail businesses, and particularly to a method of doing business in a retail environment in which the price of an article's purchase is rounded up to a rounded dollar amount upon a

customer's request and approval. The differences between the rounded dollar amount and the retail price of the purchase made by a plurality of customers are then transferred to a single merging account for investment into a single mutual fund owned by the plurality of the customers.

Typically, patronage incentive systems include cash refunds or credits, opportunities to win prizes, free merchandise, discounted prices, etc. These patronage incentive systems typically used in the retail business tend to focus on providing a short term benefit to a customer as an incentive for the customer to patronize the retailer. These systems in general are not for long-term savings or investment benefits.

In addition to the patronage incentive award systems focusing on short term benefit to the customer, some patronage incentive award systems have been developed which contemplate a long-term advantage to the customer. For example, there is a patronage incentive award system in which a monetary award is made to a customer's retirement account as incentive to the customer for participating in a transaction with the retailer for the retailer's goods or services. Although having certain advantages, such a patronage incentive award system limits the savings only to a specific saving mechanism, i.e., retirement account, thus restricting the customer away from a multiplicity of investment and saving products available in the market.

There are systems for consumer payors to save and/or donate some monies each time the customer spends monies. Additional amounts which a payor wishes to save or donate are transferred to a separate station (clearing house) which credits the collected additional amounts to charities, banks, and other sub-accounts identified by the customer.

If the customer desires to invest the additional amounts, the system permits purchasing of mutual funds, annuities, bonds, etc. for the customer. Although permitting a broad spectrum of saving and investment products, this system is deficient in that the additional amounts of the customer are to be held in a non-invested state until a sufficient amount is accumulated to be deemed acceptable by an investment entity, e.g., until the accumulation of the additional amounts created when the customer spends, reach a predetermined monetary threshold established by the investment entity for a potential investor-client to buy an investment product. Therefore, during the accumulation period the customer's additional amounts disadvantageously fail to gain profit and are not brought into circulation in the nation's economy.

The Invention

As discussed in the Specification and shown in the Patent Drawings (Exhibit A) of the subject Patent Application, the patronage incentive system and the method of doing business of the present invention provides a dramatic improvement over the prior art patronage incentive systems in that it permits the customers to make purchases through the Internet to automatically save certain amounts of money associated with each purchase made. This benefits the customers by providing an investment medium for the saved money in an extremely expedited fashion which may increase the return of the savings and simultaneously benefit the economy of the Nation.

The system and method of the present invention are beneficial to the customers since they provide long-term saving program relating to investments made by customers. The great advantage of the present invention over other saving systems is that

it contemplates the single merging account containing combined differences between the rounded price amount and the retail price amount for purchases made by the plurality of customers and which are collectively invested into a single mutual fund owned and shared by the plurality of customers. By creating a merging (collective) account and crediting the combined funds into a single account created for a plurality of enrolled customers with an investment entity, the present invention offers a distinctly novel approach which permits investment of small savings ("differences") generated in the subject Application Round-it procedure, no matter how insufficient the buying power of a single customer or saver may be.

In the procedure of the present invention, as shown in Fig. 1 (Exhibit A) a customer visits a website 4 of a retailer, makes a purchase, and is offered, as an option, the subject Application "Round-it" program to provide the customer with a mechanism to save money and receive some gain on the saved money. The savings of each customer are created when a purchase has been made by "rounding up" the purchase price to the rounded dollar amount upon the customer's request and approval.

The savings software program of the system of the present invention establishes a rounded account 1012 (shown in Fig. 6) for a customer to which the cash value of the difference between the rounded amount and the retail price is credited either upon the purchase being made or periodically (daily/weekly/monthly) from the retailer's website. Simultaneously, the savings software program establishes an internal account database in the Round-it.com website where all information concerning the transaction between the

client and the retailer, as well as interaction between the retailer at the bank or other financial institution are recorded.

The bank, or other financial institution, in turn deposits the savings of the plurality of customers into a single merging account for periodic investment into a single account created for a plurality of enrolled customers with an investment entity. As in most investment entities, an investment product may be acquired (e.g., an account with the investment entity may be opened) starting from a certain initial monetary level. The savings software program of the present invention has the ability of gathering the savings of a plurality of customers and depositing them into a single merging account. The information concerning the status of the account with the investment entity, interest earned, etc., is transferred to an internal account database and is recorded in order that upon the customer's request, all information about his/her share in the single account and/or with the investment entity may be submitted to the customer.

The bank, under supervision of the savings software program, establishes, for a plurality of customers, a single merging account to which the combined savings of all customers are deposited.

An account with an investment entity usually may only be opened at a certain minimum monetary level which is determined by the investment entity. The savings generated upon a single purchase or even over several purchases of a <u>single customer</u> generally does not have the buying power sufficient to acquire an investment product for a single customer. The present invention offers a novel approach which permits substantially immediate investment of even small savings generated as the result of a

purchase, no matter how insufficient it may be in comparison to the minimum monetary level of an investment product. It is an important feature of the present invention that such permits a customer to begin gaining profits on small savings as soon as purchases have been made by the customer. For this purpose, the system and method of the subject Patent Application gathers the savings of a plurality of customers and deposits them into a single merging account shared by the plurality of customers and established either with a bank or with an investment entity. Such a merging account with an investment entity/bank to which savings (differences) of all customers are deposited permits a rapid investment of the "Round-up" savings. Such an approach of buying a single collective (merging) investment vehicle for a plurality of customers by means of combining the buying power of savings of a plurality of customers not only benefits the customers, but also boosts the economy of the Nation by returning money into circulation in an expedited manner.

ISSUES

1. Whether the Examiner has addressed the novel features of the present invention.

2. Whether Claims 1-33 are unpatentable under §103(a) over the references cited, namely Burke in view of Kalina? Is the invention as set forth in Claims 1-33 negated by references put in combination, none of which teach or suggest the problem to be solved or its solution?

GROUPING OF CLAIMS

Although Claims 1-33 were all rejected under the same grounds for rejection which the Appellant contests, the Appellant makes a statement herein that there are four groups of Claims which do not stand together. Specifically, the following Groups of Claims are presented by the Appellant:

Group I: Claims 1-13;

Group II: Claims 14-21;

Group III: Claims 22-29;

Group IV: Claims 30-33.

It is respectfully submitted that the Appellant believes that the Claims of the Groups I, II, III, and IV constitute different groups since:

A. Claims 1-13 of Group I are directed to a Patronage Incentive System, while

B. Claims 14-21 of Group II are directed to a Method of Operating a Patronage Incentive System;

C. Claims 22-29 of Group III are directed to a Method of Doing Business in a Retail Environment;

D. Claims 30-33 are directed to a Patronage Incentive System presenting a different best mode contemplated by the inventors of carrying out the invention as compared to Claims 1-13 of Group I.

THE ARGUMENT

The Examiner rejected Claims 1-33 under 35 U.S.C. § 103(a) as being obvious with regard to Burke, U.S. Patent #6,112,191A in view of Kalina, U.S. Patent #6,243,688. The Examiner stated that with regard to Claims 1, 5, 13, 14, 17, 22, 25, and 30 "Burke does not expressly disclose providing an indicium displayed at a participating seller's web site…". For this reason, the Examiner cited Kalina in combination with Burke in rejection of Claims 1, 5, 13, 14, 17, 22, 25, and 30.

Although rejecting other Claims 2-4, 6-12, 15-16, 18-21, 23-24, 26-29, and 31-33, also as obvious in view of Burke and Kalina, the Examiner was silent as to the reason why Kalina was used in rejecting these Claims.

The Examiner stated that Burke discloses a system wherein a customer (or subscriber/payor, SP) can register or enroll into the savings program while at a participating merchant's point-of-sale (POS) during a transaction. First, the SP, before becoming a subscriber, registers with a clearinghouse central computer CCC over a

communication link or network. Subsequently, at the POS, the SP or customer will sign-up with a provider account (PA), such as a bank, investment firm, etc., over the communication link or network, where the customer's differences received by the clearinghouse computer (CCC) from a plurality of merchants are transferred from the CCC to the PA(s). The communication link can be a LAN, WAN, etc. and the SP or not registered customer or subscriber receives a magnetic card or an account number (identification means) that he/she can use to identify himself/herself at the different POSes and make contributions to his/her account (Col. 4: 11-14; Col. 4: 42-52; Col. 10: 25-45; Figs. 6A-6C).

The Examiner notes that Burke discloses a POS (point-of-service) network having a spending/saving system consisting of registered subscribers/payors (SP) who tender payments exceeding the balance due or the transaction values during transactions at registered retailers' POS terminals, wherein the differences or excess funds between the received payments and the transaction values or retail prices are calculated or computed by the POS terminals or electronic cash registers (ECRs) and deposited in an internal payor's or consumer's account maintained by merchants or retailers (MC), related to the POS terminals, who in turn transfer the excess payments to a single clearinghouse computer (CCC) for processing, on behalf of an identified payor or customer who identifies himself via a subscriber card swiped at the POS terminal or entering an account code therein. Further, the Examiner continues that the system allows each subscriber (SP) the ability to make multiple deposits in various cross country locations at related and unrelated merchants' POS terminals, wherein the subscriber/payor can contribute as little

as a penny in a transaction in 24 hour period. The storing of the differences or excess payments can be conducted online or offline. At the completion of a specified period (periodically or weekly or daily) or when a certain threshold amount (like $50.00) is reached, the total off-line transaction file, associated with the identified customer, stored in the merchant terminal internal databases is then batched online from each individual merchant's local database to the clearinghouse central computer (CCC), which transmits the collected differences or pennies to a PC related to at least one payor's selected provider account (PA), which can be banks, insurance companies, security firms, for deposits or savings and investments. The payor or the registered or enrolled customer can determine how to use the savings. Moreover, the provider account (PA), such a bank, a security firm or any other investment firm, will manage the subscriber's account in accordance with the subscriber's instructions. The POS terminals at the merchants transfer the subscriber's excess payments or the differences due to the clearinghouse central computer or CCC in real-time via communication link (CS). The subscribers can specify or have full control over the amount of excess payments they want to contribute or deposit into their accounts at one or more PAs, such as banks, security firms, insurance companies or other investment entities. (Abstract; col. 2: 45 to col. 3: 14; col. 3: 14-30; col. 3:31-35; col. 3: 49-64; col. 4; 46-62; col. 4:63 to col. 5:40; col. 9: 1-15).

The Examiner notes that the subscribers can also access their accounts and withdraw money from deposited funds in real-time to pay for purchases during a transaction at participating merchants (MC) if the funds or excess payments were transferred or deposited into a debit/checking or savings accounts at a bank. The MC

POS allows the customer to view allocation or deposit information, change amount deposited, etc. via the POS terminal screen or ECR display. The CCC, acting as a clearinghouse, prints out periodic reports for interested parties, including subscribers, as needed. A subscriber will receive periodic reports, such as monthly or quarterly statements, from a bank, insurance company, security firm or any other financial institution or investment firm where his excess funds or excess payments (or differences between the retail prices and the received payments tendered by the user or customer) were deposited or invested. The subscribers have unlimited access to information regarding their savings accounts or investment accounts at the banks or investment firms where the excess payments or differences were deposited or invested (col. 8:63-67).

In addition, the Examiner notes that the CCC can execute a pay-out and transfers funds to different PAs involved and updates its databases or data banks accordingly, especially as funds are being received from the network POS terminals and transmitted to different PA accounts (Col. 7: 63 to Col. 8:10).

In another embodiment noted by the Examiner, a PMS (Provider Management System) central computer used off-line or online is operable to open and close accounts, including the closing of subscribers' accounts opened at a savings bank or security firms where excess payments or differences were deposited or invested. When a bank account or investment account is closed, the subscriber initiating the closing or liquidating receives a refund in an amount equal to or less than the total amount currently deposited or invested depending upon whether an early closing penalty fee is imposed, as customary in the financial industry (col. 9:6-9; col. 10:55-64).

The subscribers have control over the excess payments tendered even when they use checks or credit/debit cards as payment instruments and the amount of excess payments or differences they want to donate, deposit, invest or simply put aside and receive a receipt at the end of each transaction showing the change or the amount donated, deposited or invested. For example, a subscriber uses a check or credit/debit card during a shopping trip at a related POS to pay for a purchase in an amount equal to the exact value of the transaction, as far as the merchant is concerned.

The Examiner further stated that a bank or credit/debit card company, handling the draft or the payment in a conventional manner for authorization and subsequent electronic transfer of funds to the retailer's or merchant's account, creates an excess payment called a rounded amount by rounding-up the retail purchase value of the transaction to the highest dollar figure (or round the change in the retail price to the nearest dollar amount). The bank or the credit/debit card company drafts or charges or debits the subscriber's checking or credit/debit card for an amount equal to the highest dollar amount, that is the retail price plus the excess payment or rounded amount or portion, wherein the bank or the credit/debit card company manages and stores the subscriber's excess payments or rounded amounts or differences for subsequent periodic transfers to the subscriber's savings bank, or investment accounts at a mutual fund (predetermined single mutual fund or a mutual fund pre-selected by the customer) or annuities or bonds company or other security firm (Fig. 7-9C and 10A; Col. 11: 24-46; Col. 11:59-67; Col. 12:7-16; Col. 12:50-59, Col. 14:11-31; Col. 14:62-64; Col. 15:14-25; Col. 16:5-10; Col. 15:44-49). The subscriber, under the rounder system, updates an

existing checking account and/or credit/debit card account and provides instructions to the bank related to the checking account and/or the credit/debit card issuer regarding the added rounded amount he wants to contribute during POS transactions (Col. 12:1-16).

The Examiner mentioned that it is expected that the periodic statement issued to the customer or payor (when the customer accesses his/her account), by the banks or investment firms, will show among other things the account number, investment vehicle purchased, price paid, the number of shares owned by the customer based on the current market, etc., as known in the art.

The Examiner concludes that "it is clearly understood in the financial industry that a customer or investor can have someone else manage his money on his behalf by providing discretionary authority to a money manager or broker in an individual brokerage firm or other account managed for the specific investor or customer, or the customer or investor can invest in a vehicle such as a mutual fund (predetermined single mutual fund or a mutual fund pre-selected by the customer), a hedge fund or some other collective investment vehicle. To this end, the customer's differences or excess payments invested in investment vehicles, such as mutual funds (predetermined single mutual fund or a mutual fund pre-selected by the customer), are considered to be invested in a collective (merging) investment vehicle created at the mutual fund company and shared by a plurality of customers (collective investment), as implicitly supported by Burke.

The Examiner notices that as per Claims 1, 5, 13, 14, 17, 22, 25, and 30, although Burke teaches registering a customer at participating POS terminals linked over a WAN, however, Burke does <u>not</u> disclose providing an indicium displayed at a participating

seller's web site or web page (home page) for allowing interactive communication between a plurality of customers and the participating retailer or seller over the Internet.

The Examiner notices that Kalina discloses a system for providing a computer system for interactive communication between at least one customer and at least one seller, wherein a customer visits the seller's web site and clicks on an object or interactive indicium or hyperlink representing a manufacturer credit card to link to the manufacturer's site where the customer can apply for the credit card, which allows him to earn credits for purchases made using the credit card at the seller's POS and wherein the earned credits are invested at an investment firm on behalf of the customer (Fig. 2; Col. 5:7-26; Col. 5: 66 to Col. 6: 14). During a transaction via the Internet at the seller's website, a web page displays an icon or interactive indicium, indicative of the manufacturer's credit card or subject credit card or the credit card associated with purchase awards or incentives or credits given to a customer for sponsoring a merchant who accepts the said credit card at said web site or a web page of said at least one seller, thereby encouraging the customer to select and use the subject credit card, as opposed to a typical competitor's credit card, during the current transaction and receives award credits that will be invested on behalf of the customer (Col. 5: 66 to Col. 6: 14) and (Col. 5: 61 to Col. 6:41).

Therefore, the Examiner concludes that an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure into the Burke's system so as to display at a participating retailer's website or web page, associated with a POS, over the Internet an interactive indicium or icon, which indicates

that the retailer is a participating retailer and wherein upon clicking on the displayed icon a customer can register to participate in the savings program and wherein during purchases made by the customer at the retailer's web site or off-line, the retail prices are rounded to the highest dollar figure and the differences or excess payments are forwarded to the customer's bank account or investment account where they are deposited or invested respectively and wherein the registered customer can access his bank account or investment account, associated with the transferred differences, at the bank or investment firm website over the Internet, thereby rendering the savings program more accessible to millions of customers, during 24 hours a day and seven days a week, who cannot only register online independent of their geographical locations, but also make purchases on the Internet in the privacy of their homes while contributing funds to their savings account and/or investment account and while the retailer's or seller's bottom line significantly increases as a result of a greater exposure.

1. **<u>The Examiner has not addressed the patentable novel features of the present invention.</u>**

It is respectfully submitted that somewhat extensive non-specific arguments of the Examiner fail to present patentable deficiencies of each Claim pending in the Application. The Examiner cited the Kalina reference in the prosecution to show that purchaser/seller transaction can be accomplished over the Internet and then combines Kalina and Burke to show the Internet-based subject novel system. The Examiner erroneously assumes that if Burke's system is based on Internet communication between

purchasers and retailers, then this results in the system and method of the present invention.

This was the only place in the Examiner's Official Action (Page 11 thereof) when he was specific in defining the reason of citing the Kalina Patent. Here, the Examiner states that in Claims 1, 5, 13, 14, 17, 22, 25, and 30, Burke reference does not expressly disclose providing "an indicium displayed at participating seller's web site or web page for allowing interactive communication between a plurality of customers and the participating retailer or seller over the Internet". The Examiner is specific with regard to the deficiency of Claims of the subject Patent Application whereby the Kalina reference is combined with the Burke reference. However, although rejecting Claims 1, 5, 13, 14, 17, 22, 25, 30, the Examiner fails to specifically explain why other Claims pending in the Application are also rejected based on Burke in view of Kalina.

During the prosecution of this case, the Applicant has repeated and reiterated many times that Burke and Kalina, taken individually or in combination thereof, are based on dramatically different principles than the system and method of the present invention, whereby the present invention solves prior art problems and suggests a solution not seen in the references cited by the Examiner. Particularly, the Applicant presented that the subject invention is based on the principles of merging the buying power of small savings of a plurality of enrolled customers into a single merging account (for all the customers) and crediting the combined funds into a single account created for the plurality of enrolled customers with an investment entity. This novel approach is

completely extraneous to Burke and/or Kalina which both are based on individualized concepts of investing and maintaining the segregated funds per each customer's account.

In response to multiple emphasis of the differences of the present invention over Burke and Kalina, the Examiner suggests that it is the CCC of Burke which serves to combine the buying power of the savings and disagreed with Applicant's findings that the CCC is not used for combining buying power of plurality of "additional amounts", but merely manages these "additional amounts" (segregated per each customer) to be further invested (on level 4) into individual accounts once reaching a predetermined threshold (for each customer separately) and that Burke alone or in combination with Kalina, the secondary reference, does not produce a merging (collective) account different from an individual account.

The Examiner agreed that CCC forwards the customer's differences to desired investment firms after a clearing or sorting process, and that the CCC manages the bulk of batches containing the rounded amounts to desired firms where they are being invested in the individual customer's selected investment vehicle. However, the Examiner erroneously suggests here that the CCC combines the buying power of millions of pennies from a plurality of customers to purchase predetermined investment vehicles at designated investment firms.

The Examiner admits that there is a threshold requirement per se before the each customer's differences or rounded amounts are forwarded to an investment firm.

The Examiner further continues that it is clearly understood in the financial industry that a customer or investor may have someone else manage his money on his

behalf by providing discretionary authority to a money manager or broker in an individual brokerage firm or other account managed for the specific investor or customer, or the customer or investor can invest in a vehicle such as a mutual fund or some other collective investment vehicle. To this end, continues the Examiner, the customer's differences or excess payments invested in investment vehicles, such as mutual funds, are considered to be invested in a collective (merging) investment vehicle created at the mutual fund company and shared by a plurality of customers, is implicitly supported by Burke – this is the erroneous statement made by the Examiner which is groundless since Burke does not contemplate and is not directed to a collective investment approach.

The Examiner further presents that an investment vehicle such as a mutual fund is known in the art as a collective investment. In other words, states the Examiner, all investments in a particular mutual fund are collectively invested therein. If the mutual fund is making money or being profitable, then the investors, individually identified by their respective individual or personal account, earn interest on their individual investments therein, based on the number of shares they individually own, although the investments are said to be collected. For example, if the company related to the mutual fund takes a portion of the money or differences invested therein to buy shares in IBM or GM, then all the investors individually and collectively earn interest or ownership in IBM or GM in accordance with the value of their investment (the number of shares they own). The Examiner communicates that this is well-known in the art and practiced in the financial industry for many years, and since Burke discloses investing the payor's differences in a mutual fund (insurance, securities, etc.), then Burke implicitly supports

the above well-known disclosure. The conclusion of the Examiner resulted in the closing of arguments made by the Examiner.

The Applicant respectfully disagrees with the erroneous findings of the Examiner. Although the mutual fund pulls money of many customers together to buy securities in different companies, each customer has a separate individual account with a mutual fund, and there is not a single collective account with a mutual fund owned and shared by a plurality of customers. The mutual fund (investment entity) "sees" each individual customer separately and treats individual accounts of the plurality of customers as a plurality of individual accounts. Each individual account has its own fees associated with the management of the latter.

In addition to the above-presented, it is not believed that in the financial industry a mutual fund is "bought" by collective funds of a plurality of customers contained in a single merging account. In other words, it is not believed to be known to transfer the amounts credited to the personal accounts for a plurality of customers into a single merging account for investment into the single investment account (which may be a mutual fund) owned and shared by the plurality of customers.

Each of the plurality of customers which collectively own the single investment account is not a customer of the mutual fund and the mutual fund does not "see" each of these customers and does not recognize each of them as a separate investor. The subject Application is directed to a plurality of customers who are collectively recognized by the investment entity as a single investor and it is this "plurality of customers" which has a single merging account with a bank. It is the plurality of customers who collectively own

and share a single investment account. This merging account owned by the plurality of customers is managed as a single account, and the investment account is treated as a single investment vehicle which management and other fees are imposed, even though it is owned by a plurality of people enrolled in the subject Application Round-it program. In the present invention, from the investment entity standpoint, each enrolled person is not a client of the investment entity and does not have an individual account with it (does not own an individual investment product). Only a plurality of enrolled people taken together are considered as a single investor and as a client of the investor entity, and only such single investor (which is a plurality of people) is recognized as a client and is entitled to the account with the investment entity.

The investment account establishes a monetary threshold below which no individual can become a client of the account. Since each individual, as is customary in the financial industry has an individual account, this person cannot open (buy) an account with the investment entity prior to having the sum of money corresponding to this monetary threshold. It would take months and even years of accumulating "pennies" resulting from a rounding up procedure by each enrolled customer before such a monetary threshold can be reached. The approach which is clearly seen in Burke as well as in Kalina, holds the savings of enrolled customers from generating profit and returning monies into circulation into the economy for extended periods of time.

In the present invention, no such "idle" period of accumulating differences of each separate customer is needed, since the buying powers of "pennies" of a plurality

of enrolled customers are combined into a single merging account to be further invested into a single investment account owned by the plurality of enrolled customers.

From the somewhat lengthy prosecution of the case and multiple communications with the Examiner (either personally or over the phone) or analyzing the Official Actions issued by him and his arguments in response to the Applicant's arguments, it is clear to the Appellant that the Examiner has not addressed the features of the present invention which clearly distinguishes the system and method of the present invention from the known patronage incentive systems including the prior art references cited by the Examiner, e.g., Burke and Kalina.

It is respectfully submitted that none of the systems known in the art, including those of Burke and Kalina, are concerned with or solve the problem of returning into circulation the savings of the customers participating (or enrolled) in the saving program in an expedited manner. In contrast to the cited prior art, the present invention solves this problem by combining the buying power of the insignificant or otherwise small savings by means of merging the savings of a plurality of customers in a single merging account shared by the plurality of customers and investing the merged savings into a single investment product irrespective of the monetary level established by the investment entity for acquiring the investment product thus avoiding the idle "waiting" time associated with accumulation of the savings of each individual customer until this monetary threshold level is reached.

Combining a buying power of a plurality of savings of enrolled customers in a single (master) fund, for reaching and overcoming the needed minimum monetary

threshold established by the investment entity, provides an opportunity for individual savers to invest in an extremely expedited manner and to realize almost immediate gains. The Examiner clearly has overlooked an important goal of the present invention and how this goal is implemented.

Neither Burke nor Kalina, taken separately or in combination, discloses, suggests, or renders obvious the goals of the present invention. Additionally, they are <u>not</u> concerned with implementation of the intended purpose of the system and method of the present invention, which includes the creation of the collective (merging) account owned by the plurality of the customers enrolled in the subject Application Round-it program and the investment of the funds contained in the merging account into a single investment product. The merging account contains combined funds (differences) resulting from rounding up procedures for the purchases made by the plurality of customers. The differences are combined together in order to merge together the buying power of insufficient otherwise savings, thus turning a plurality of small savings into a single sum of money sufficient for opening a single investment account (one investment account for the plurality of customers) with the investment entity in order to permit the expedited return of these savings into circulation. This concept is extraneous to the teachings of Burke or Kalina.

<u>Are Claims 1-33 unpatentable under § 103(a) over Burke in view of Kalina?</u>

<u>Burke Patent</u>

The Burke system has been cited by the Examiner as the primary prior art reference. This system is designed to create and distribute excess funds from consumer spending transactions. Burke discloses a network of point-of-sale terminals (POS) in the spending/saving system consisting of subscribers/payors (SPS), who tender their payments exceeding transaction values during transactions at a retailer's POS terminal. The differences (or excess funds) between the payments and the transaction values (or retail prices) are calculated by the POS terminals or ECRs (electronic cash registers) and deposited in an internal payor's account maintained by the retailer for each payor (customer). When a certain amount has been accumulated, the total transaction file stored in the merchant/collector (MC) terminal is batched "on line" to the clearing house's central computer (CCC). The files transferred to the CCC contain details of each deposited transaction by the identification of the account, the amount of the deposit, the date, and the terminals that accepted the deposit.

As described in Col. 3, Line 65 – Col. 4, Line 10, in Burke, at level 1, the subscriber/payor (SP) tenders an excess financial payment to level 2, merchant/collector (MC). They (MC) in turn enter the amount of the excess payment in the electronic cash register/remote terminal which then sends the funds and data by communication system to level 3, the clearing house central computer (CCC). Level 3 assigns the funds to an account previously opened by level 1 (SP) through services provided by level 3. The funds are then forwarded, <u>when they reach the selected threshold</u> by EDI (electronic data

interface) and transferred to level 4, the accounts selected by level 1 SP, which may include mutual funds, annuities, bonds, travel services, merchandise, etc.

As described in Col. 4, Lines 30-43, at level 3 of Burke Patent, the clearing house central computer CCC segregates the transaction provider accounts per each customer. The segregated data and funds are then forwarded, when each of them reaches the selected threshold by EDI (electronic data interface) to the level 4 provider for account management and final distribution for PAs for each customer.

The central clearing house computer CCC assumes a communication role with each individual customer by asking the customer to enter his/her personal identification PIN, determining if the PIN matches the card number, determining if the card contains a sufficient balance to cover the amount due, draws the money from the card account and credits it to the account of the establishment associated with each individual customer.

The distinguishing features of the present invention over the cited prior art references, taken individually or in combination thereof, is further presented by the Appellant as to each of the Groups of Claims:

Group I: Claims 1-13

With regard to Group I, Claims 1-13, related to a patronage incentive system, the Burke system receives funds and data or "additional amounts" offered by a plurality of payors. However, in contrast to the present invention claimed in the Independent Claim 1 and Dependent Claims 2-13, in Burke's system and method, the CCC is not used for combining the buying power of a plurality of "additional amounts", but merely for

managing this "additional amounts". In Burke, the CCC merely manages the "additional amounts" to be further invested (in level 4) into individual accounts (each account for a respective customer) once a predetermined threshold is reached. The CCC assumes the function of the account manager of each separate customer (Col. 4, Lines 14-15) and does not intend to represent a merging account shared by a plurality of enrolled customers.

In contradistinction to the Burke Patent, in the present invention, the merging account is an account to which the small savings credited to the personal account of each customer are combined in order to combine the buying powers of the "savings" of a plurality of customers and to further invest the combined funds into the single investment account. The merging account as well as the investment account, is owned and is shared by the plurality of customers. The merging account contains combined funds, but does not and is not intended to function as an account manager and/or to communicate with the customers, as does the CCC in Burke.

Further, in Burke, as opposed to the present invention, the CCC segregates the transactions (Col. 4, Lines 36-37) into individual accounts, each associated with a separate customer to be further credited to individual surplus accounts of each customer.

In the present invention, in contradistinction to Burke, the merging account combines the savings of the payors to be credited into a single investment product.

The Burke reference teaches away from the main principles of the present invention, since Burke is based on an individualized investment approach wherein the CCC separates surplus funds into individual surplus accounts for further individual

investments when a predetermined threshold level of each individual surplus account is reached.

Even though Burke suggests investment of savings of each individual customer into mutual funds, the Burke system suggests a strictly individualized approach to investment where the savings of each individual customer are kept in a non-invested state until the accumulation of the savings of each individual customer reaches a predetermined threshold level established for opening of an account for that individual customer in an investment entity. When a plurality of individual customers decide to open accounts in the mutual funds, they each have an individual account with a mutual fund, or other investment entity, and this is treated by a mutual fund, or other investment entity, as a plurality of accounts.

The Burke system, in contradistinction with the present invention, fails to suggest, disclose, or render obvious an arrangement which combines the savings of a plurality of individual customers into a single fund (merging account) for investment of the <u>combined savings</u> of all the individual customers into a single investment account opened with the investment entity. Burke fails to disclose the single "merging account" which is owned and shared by the plurality of customers.

In the system and method of the present invention, in opposition to the Burke individualized approach, the investment entity, "sees" the plurality of customers as a single investor owning a single account. The investment entity treats the merging account as a single investor and imposes all necessary fees to the plurality of customers as a single investor.

In the arrangement of the Burke system, the mutual fund or other investment entity treats a plurality of individual investment accounts, each account for each individual customer, as a plurality accounts and applies the fees associated with managing this account to each of the plurality of individual investment accounts.

Furthermore, Burke fails to suggest, disclose or render obvious a mechanism for combining the differences between the rounded price amounts and the retail price amounts from the plurality of the surplus (first) accounts for purchases made by the plurality of customers and transferring the combined differences from the plurality of individual accounts for the plurality of customers to a single merging account for further investment of combined funds into a single investment account independent of an initial monetary level established by the investment entity for participation in the mutual fund. This is true since the Burke's arrangement does not combine the differences, e.g., does not combine buying power of the savings of a plurality of customers. Burke does not and is not intended to create a single merging account with a bank or a single mutual fund with an investment entity which would be shared by the plurality of customers.

In the present invention the buying power of the small savings of a plurality of customers are combined in the single merging account, and the combined funds are invested in the expedited manner since the combined savings rapidly reach a predetermined threshold monetary level established by the investment entity for participating in the investment product.

Kalina Patent

The Kalina Patent is related to an Internet-based purchase credit award interchange system for converting purchase credit awards through credit exchange system for purchase of an investment vehicle. In Kalina, preassigned purchase credit accumulation earned by a consumer are exchanged from a merchant or creditor through combination of credit cards, coupons, stamps, proof of purchase, etc. for investment in mutual funds or other investment vehicles. Kalina describes a specific implementation, where a credit card account is issued through the Internet to a customer. Upon a purchase being made by a customer, the purchase award account which is an individual account of the consumer is credited with these credit awards, and the credit awards are accumulated in the account of the customer until they reach a predetermined level. Only at the time of reaching the predetermined level can an ownership in the investment vehicle be purchased for this customer with a credit award in the account.

It is respectfully submitted that in addition to failing to disclose the subject Application "Rounding-up" approach, Kalina's arrangement differs from the present invention. The basic concept of the Kalina system, similar to Burke, is focused exclusively on an individualized approach to investment and savings. In Kalina, as opposed to the present invention, the savings of each single customer are collected in his/her personalized account for a plurality of purchases he/she has made until a predetermined threshold has been reached which is sufficient to acquire an investment vehicle. The "collecting" in Kalina takes an extended time to reach a predetermined threshold of an individual account which would be sufficient to buy an investment

product for a single customer. Only when the buying power of a customer's award account reaches a threshold level may ownership in the investment vehicle be acquired. Upon purchasing an investment vehicle, the customer obtains his/her individual "customer investment account" (Col. 4, Line 65 of Kalina) in the investment entity associated with the investment product.

In the Kalina system, a customer has two accounts: a customer reward account 72 and another customer merchant account in the investment center 82. Both of these accounts are individual accounts, which means that the customer does not share his/her account with other customers.

In the present invention, as contrasted to Kalina, a plurality of customers have their savings combined in a single merging account which is not an individual account, as in Kalina, but to the contrary, is shared by the customer with a plurality of other customers participating in the subject Application Round-it program. The combined savings of the plurality of customers are invested from the merging account to a single investment vehicle which is established in the present invention with an investment entity for a plurality of customers. The savings are transferred from the collective (merging) account to the mutual fund collectively almost immediately after purchases have been made, since these savings collectively have a sufficient buying power which overcomes the monetary threshold level established by an investment entity.

The present invention provides for a system and method in which, due to the merging of savings of a plurality of customers participating in the patronage incentive system, the savings of each customer does not have to be accumulated in a personalized

account until the initial monetary level of the investment is reached by the individual customer as is described in Kalina. The rapid investment of the savings of the customer is possible due to the combining of his/her savings with the savings of other participating customers which permits the acquisition of the investment product with an investment entity by all participating customers almost immediately after making a purchase independent of any minimum monetary level of the investment product. This approach not only provides benefits to participating customers, but may also positively contribute to the Nation's economy, by injecting money into circulation in an expedited manner. The concept and approach taken by the subject invention system and method teaches away from the Kalina reference system. In Kalina's arrangement, as clearly presented in Col. 2, Lines 30-35, as well as Col. 4, Lines 50-65, and in Col. 6, Lines 15-23, when a pre-assigned award accumulation level has been reached, the award in the award account is converted into cash value and an investment vehicle is purchased for a customer. In this manner, the savings are transferred to <u>individual investment accounts</u> dependent upon the minimum monetary level of the investment product and only transferred upon reaching this level.

It is respectfully submitted that both references cited by the Examiner, Burke and Kalina, taken individually or in combination thereof, fail to suggest or render obvious the single merging account containing combined savings of the plurality of customers, or investment of the combined savings into a single investment account established with an investment entity wherein both the merging account and the investment account are shared by a plurality of customers of the subject Application Round-it system. Each

customer may begin participation in the investment account in an expedited manner due to combining of the differences between the rounded price amounts and the retail price amounts from the plurality of the individual accounts to the merging account and investing the combined differences into a single investment account. The novel approach of the present invention permits investment of the savings generated upon making purchases by the customers into the investment product in an expedited manner due to the collective buying power of the savings of a plurality of customers participating in the subject Application Round-it program. This is an inventive step and an advantage of the patronage incentive system of the present invention whereby each of the customers avoids unwanted delay on his/her personalized account until the predetermined threshold level (e.g., the monetary level sufficient for opening an account with an investment entity) has been reached. The savings created upon purchases having been made by a customer, are combined with the savings of the other customers in the single merging account and are transferred to the investment vehicle independently of how insufficient the buying power of an individual savings of each customer is in comparison to the minimum monetary level of the investment vehicle.

The Examiner has suggested a combination of Kalina and Burke to provide the arrangement of the present invention. It is respectfully submitted that modification of Burke, which is not Internet-based and which itself fails to disclose a collective merging account, as well as a single investment account established with an investment entity for a plurality of customers and shared by the plurality of customers, and which teaches away from collective ownership of the investment product as it is based on principles of

segregation of funds in the individual surplus accounts and individual investment accounts, with Kalina, which fails to disclose rounding up approach and particularly teaches away from a collective approach with a single merging account owned by the plurality of customers, and with the single investment account established with an investment entity and shared by the plurality of customers, taken as a whole, do not suggest the claimed subject matter since such a combination still fails to suggest, disclosure, or render obvious the arrangement where a merging account shared by the plurality of customers is established which contains combined savings of the plurality of customers for investment into a single investment product purchased from an investment entity and shared by the plurality of enrolled customers.

Independent Claim 1 includes the limitations which clearly emphasizes the distinguishing features of the present invention over the cited prior art taken individually or in combination thereof. Specifically, the Independent Claim 1 which is related to a patronage incentive system, comprises (inter alia):

"...transferring the amounts credited to said personal accounts for said plurality of enrolled customers into a merging account for investment into said predetermined mutual fund, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers".

It is respectfully submitted that these features are not found either in Burke or in Kalina, whether taken independently or in a combination thereof.

None of the prior art references recognize the problem solved by the invention of the subject Patent Application, nor the value of using a combined power of the "pennies" of each savings of a plurality of customers to put these "pennies" into circulation in a rapid manner without the idle waiting period which is necessary for accumulating the funds to reach a predetermined threshold monetary level established by investment entities. In the present invention, this problem has been solved by combining the buying power of the savings of the plurality of customers in a merging account and acquiring a single investment account with an investment entity in which money can be invested independent of the initial monetary level established by the investment entity, thus initiating gain on each penny of savings in an expedited manner.

Claims 2-13 directly or indirectly dependent on Independent Claim 1 all include the limitations that are cited in Claim 1 and therefore are believed to be patentable for at least the same reasons as previously presented for Claim 1.

Group II: Claims 14-21

With regard to Group II including Claims 14-21 related to the Method of Operating a Patronage Incentive System, in Burke, the CCC merely manages the "additional amounts" to be further invested (on level 4) into individual accounts (each account for a respective customer) before reaching a predetermined threshold. The CCC assumes the function of the account manager of each separate customer (Col. 4, Lines 14-15) and is not intended to represent an account owned and shared by a plurality of payor's.

In the present invention, as opposed to Burke, the merging account is acquired by merging the buying powers of "savings" of a plurality of customers. The merging account is owned and is shared by the plurality of customers. The merging account does not and is not intended to function as an account manager and/or to communicate with the customers as does the CCC in Burke.

Further, in Burke, in contrast to the present invention, the CCC segregates the transactions (Col. 4, Lines 36-37) into individual accounts each associated with a separate customer to be further credited to individual surplus accounts.

In the present invention, in contradistinction to Burke, the merging account combines the savings of the payors to be credited into a single investment product.

Burke teaches away from the main principles of the present invention, since Burke is based on an individualized investment approach wherein the CCC separates surplus funds into individual surplus accounts for further individual investments when a predetermined threshold level of each individual surplus account is reached. While the method of the present invention combines funds and invests collectively.

Even though Burke suggests investment of savings of each individual customer into mutual funds, the Burke system suggests a strictly individualized approach to investment where the savings of each individual customer are collected and kept by the CCC until the accumulation of the savings of each individual customer reaches a predetermined threshold level which can be used for opening an account for that individual customer in a mutual fund. When individual customers decide to open

accounts in the mutual funds, they each have an individual account with a mutual fund, or other investment entity and such is treated by a mutual fund, or other investment entity, as a plurality of accounts.

In the arrangement of the present invention, in opposition to the Burke individualized approach, the investment entity, "sees" the plurality of customers as a single investor owning a single account. The investment entity treats the plurality of customers as a single investor and imposes all necessary fees to the plurality of customers as to a single investor. While in the arrangement of Burke system, the investment entity will "see" a plurality of individual customers, each with a respective individual account. The investment entity charges each account owned by each of the plurality of individuals with respective management and other fees.

Furthermore, the Burke's arrangement does not combine the differences, e.g., does not combine buying power of the savings of a plurality of customers, as Burke does not and is not intended to create a single merging account with an investment entity which is shared by the plurality of customers.

In the present invention the buying power of the small savings of a plurality of customers are combined in a single merging account to be invested in an expedited manner in the single investment vehicle without the need to reach a predetermined threshold monetary level established by the investment entity for opening an account.

With respect to Kalina, such is related to an Internet-based purchase credit award interchange system for converting purchase credit awards through a credit exchange system for purchase of an investment vehicle. In Kalina, preassigned purchase credit

accumulation earned by a consumer are exchanged from a merchant or creditor through a combination of credit cards, coupons, stamps, proof of purchase, etc. for investment in mutual funds or other investment vehicles. Kalina describes a specific implementation, where a credit card account is issued through the Internet to a customer. Upon a purchase being made by a customer, the purchase award account which is an individual account of the consumer, is credited with these credit awards, and the credit awards are accumulated in the account of the customer until they reach a predetermined level. Only at the time of reaching the predetermined level can an ownership in the investment vehicle be purchased for this customer with a credit award in the account.

It is respectfully submitted that in addition to failing to disclose the subject Application "Rounding-up" approach, Kalina's arrangement differs from the present invention. The basic concept of the Kalina system, similar to Burke, is focused exclusively on an individualized approach to investment and savings. In Kalina, in contrast to the present invention, the savings of each single customer are collected in his/her personalized account for a plurality of purchases he/she has made until a predetermined threshold has been reached which is sufficient to acquire an investment vehicle. The "collecting" in Kalina takes an extended time to reach a predetermined threshold of an individual account which would be sufficient to buy an investment product for a single customer. Only when the buying power of a customer's award account reaches a threshold level may ownership in the investment vehicle be acquired. Upon purchasing an investment vehicle, the customer obtains his/her individual

"customer investment account" (Col. 4, Line 65 of Kalina) in the investment entity associated with the investment product.

In the Kalina system, a customer has two accounts: a customer reward account 72 and another customer merchant account in the investment center 82. Both of these accounts are individual accounts, which means the customer does not share his/her account with other customers.

In the present invention, as opposed to Kalina, a plurality of customers have their savings combined in a merging account which is not an individual account, as in Kalina, but to the contrary is shared by the customer with a plurality of other customers participating in the subject Application Round-it program. The combined funds of the merging account are invested in a single investment vehicle established in the present invention with an investment entity for a plurality of customers, e.g., the savings are transferred from the merging account collectively into the investment vehicle almost immediately after purchases have been made, since the savings of a plurality of customers collectively have sufficient buying power to overcome the monetary threshold level established by the investment entity.

It is readily apparent that the present invention provides for a system and method in which due to the merging of savings of a plurality of customers participating in the patronage incentive system, the savings of each customer do not have to be accumulated on a personalized account for each customer until the initial monetary level of the investment is reached by the individual customer as described in Kalina. The rapid investment of the savings of the customer is possible due to the combining of his/her

savings with the savings of other participating customers that permits the acquisition of the investment product with an investment entity by all participating customers almost immediately after making a purchase independent of any minimum monetary level of the investment product. This approach provides time benefits to participating customers. The concept and approach taken by the subject invention system and method teaches away from the Kalina reference system. In Kalina's arrangement, as clearly presented in Col. 2, Lines 30-35, as well as Col. 4, Lines 50-65, and in Col. 6, Lines 15-23, when a pre-assigned award accumulation level has been reached, the collective award in the award account is converted into cash value and an investment vehicle is purchased for a customer. In this manner, the savings are transferred to <u>individual investment accounts</u> dependent upon the minimum monetary level of the investment product and only transferred upon reaching this level.

It is respectfully submitted that both references cited by the Examiner, Burke and Kalina, taken individually or in combination, fail to suggest or render obvious the step of establishing a merging account with a bank which is shared by a plurality of customers of the subject Application Round-it system. The merging account is established for investment into a predetermined single investment vehicle in an expedited manner due to combining of the differences between the rounded price amounts and the retail price amounts from the plurality of the personal accounts for purchases made by the plurality of customers independent of an initial monetary level of the investment vehicle which is established by an investment entity. The novel approach of the present invention permits investment of the savings generated upon making purchases by the customers into the

investment product in an expedited manner due to the collective buying power of the savings of a plurality of customers participating in the subject Application Round-it program. This is an inventive step and an advantage of the method of the present invention whereby each of the customers avoids unwanted delay on his/her personalized account until the predetermined threshold level (e.g., the monetary level sufficient for opening an account with an investment entity) has been reached.

The Examiner suggested that a combination of Kalina and Burke would result in the method of operating a patronage incentive system of the present invention. It is respectfully submitted that modification of Burke, which itself fails to disclose a step of establishing a merging account with a bank for a plurality of customers and which is shared by the plurality of customers, and which teaches away from collective ownership of the investment product as it is based on principles of segregation of funds in the individual investment accounts, with Kalina, which particularly teaches away from a collective approach, do not suggest the claimed subject matter since such a combination still fails to suggest, disclosure, or render obvious the system and method whereby a single merging account shared by the plurality of customers is established with a bank which combines the differences between the rounded price amount and the retail price amount of purchases made by a plurality of customers. These differences are merged together and are transferred to the single investment vehicle shared by the plurality of enrolled customers.

Independent Claim 14 includes the limitations which clearly distinguish the present invention as claimed from the cited prior art taken individually or in combination

thereof. Specifically, the Independent Claim 14 which is directed to a method of operating a patronage incentive system, includes (inter alia) the following limitations:

"...transferring the amounts credited...to personal accounts of said plurality of the enrolled customers to a single merging account established with a bank for periodic investment into a predetermined single mutual fund, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers...".

It is respectfully submitted that these features have not been found either in Burke or in Kalina, whether taken independently or in combination.

None of the cited prior art references recognize the problem solved by the invention of the subject Patent Application, nor the value of using a combined power of the "pennies" of each savings of a plurality of customers to put these "pennies" into circulation in a rapid manner without the idle waiting period which is necessary for accumulating the funds to reach a predetermined threshold monetary level established by investment entities for acquiring an account with an investment entity as provided in the Burke and Kalina references. In the present invention, this problem has been solved by combining the buying power of the savings of the plurality of customers in a single merging account established with a bank for investing the combined savings into a single investment vehicle established with an investment entity and shared by the plurality of customers.

Claims 15-21 directly or indirectly are dependent on Independent Claim 14 and include the limitations that are cited in Claim 14 and therefore are believed to be patentable for at least the same reasons.

Group III: Claims 22-29

Group III including Claims 22-29 are related to a Method of Doing Business in a Retail Environment. In Burke's system and method, the CCC is not used for combining a buying power of a plurality of "additional amounts", but merely for managing these "additional amounts". The CCC merely assumes the function of the account manager of each separate customer (Col. 4, Lines 14-15) and is not intended to represent an account or an investment product owned and shared by a plurality of payor's.

In contrast to the Burke Patent, the present invention provides a single merging account which is established with a bank by merging the buying powers of the "savings" of a plurality of customers. The merging account is owned and is shared by the plurality of customers. The merging account does not and is not intended to function as an account manager and/or to communicate with the customers as does the CCC in Burke.

Further, in Burke, as opposed to the present invention, the CCC segregates the transactions (Col. 4, Lines 36-37) into individual accounts each associated with a separate customer to be further credited to individual surplus accounts.

In the present invention, in contradistinction to Burke, the merging account combines the savings of the payors to be further credited into a single investment product.

Burke teaches away from the main principles of the present invention, since Burke is based on an individualized investment approach wherein the CCC separates surplus funds into individual surplus accounts for further individual investments when a predetermined threshold level of each individual surplus account is reached.

Burke does suggest investment of savings into mutual funds, but the Burke method contemplates strictly individualized investments where the savings of each individual customer are invested into a individual investment product owned by a customer. In Burke, when a plurality of individual customers open accounts in the mutual funds they each have an individual account with a mutual fund, or other investment entity.

The Burke system, in contradistinction to the present invention, fails to suggest, disclose, or render obvious that CCC combines the savings of all individual accounts of individual customers into a single merging account for investment of the savings of all the individual customers into a single investment vehicle opened with the investment entity, such that both the single merging account and the investment account will be owned and shared by the plurality of customers.

Opposingly, as taught by the present invention, the buying power of the small savings of a plurality of customers are combined in a single merging account and may be invested in an expedited manner in the single investment vehicle without the need to reach a predetermined threshold monetary level established by the investment entity for opening an account.

With respect to Kalina, such Patent is related to an Internet-based purchase credit award interchange system for converting purchase credit awards through a credit exchange system for purchase of an investment vehicle. In Kalina, preassigned purchase credit accumulation earned by a consumer are exchanged from a merchant or creditor through combination of credit cards, coupons, stamps, proof of purchase, etc. for an investment in mutual funds or other investment vehicles. Kalina describes a specific implementation, where a credit card account is issued through the Internet to a customer. Upon a purchase being made by a customer, the purchase award account which is an individual account of the consumer is credited with these credit awards, and the credit awards are accumulated in the account of the customer until they reach a predetermined level. Only at the time of reaching the predetermined level can an ownership in the investment vehicle be purchased for this customer with a credit award in the account.

It is respectfully submitted that in addition to failing to disclose the subject Patent Application "Rounding-up" approach, Kalina's arrangement differs from the present invention. Specifically, the basic concept of the Kalina system, similar to Burke, is focused exclusively on an individualized approach to investment and savings. In Kalina, as opposed to the present invention, the savings of each single customer are collected in his/her personalized account for a plurality of purchases he/she has made until a predetermined threshold has been reached which is sufficient to acquire an investment vehicle. The "collecting" in Kalina takes an extended time to reach a predetermined threshold of an individual account which would be sufficient to buy an investment product for a single customer. Only when the buying power of a customer's award

account reaches a threshold level may ownership in the investment vehicle be acquired. Upon purchasing an investment vehicle, the customer obtains his/her individual "customer investment account" (Col. 4, Line 65 of Kalina) in the investment entity associated with the investment product.

In the Kalina system, a customer has two accounts: a customer reward account 72 and another customer merchant account in the investment center 82. Both of these accounts are individual accounts, which means that the customer does not share his/her account with other customers.

In the present invention, as contrasted to Kalina, a plurality of customers have their savings combined in a merging account established with a bank which is not an individual account, as in Kalina, but to the contrary, is shared by the customer with a plurality of other customers participating in the subject Application Round-it program. The merging account is established in the present invention for a plurality of customers, and savings are transferred from this merging account collectively to the single investment account quickly after purchases have been made, since these savings collectively have sufficient buying power to overcome the monetary threshold level established by the investment entity.

It is readily apparent that the present invention provides for a Method of Doing Business in a Retail Environment in which due to the merging of savings of a plurality of customers participating in the patronage incentive system, the savings of each customer do not have to be accumulated on a personalized account for each customer until the initial monetary level of the investment is reached by the individual customer as

described in Kalina. The rapid investment of the savings of the customer is possible due to the combining of his/her savings with the savings of other participating customers that permits the acquisition of the investment product with an investment entity by all participating customers soon after making a purchase independent of any minimum monetary level of the investment product. This approach not only provides benefits to participating customers, but may also positively contribute to the Nation's economy, by injecting money into circulation in an expedited manner. The concept and approach taken by the subject invention system and method teaches away from the Kalina reference system. In Kalina's arrangement, as clearly presented in Col. 2, Lines 30-35, as well as Col. 4, Lines 50-65, and in Col. 6, Lines 15-23, when a pre-assigned award accumulation level has been reached, the collective award in the award account is converted into cash value and an investment vehicle is purchased for a customer. In this manner, the savings are transferred to <u>individual investment accounts</u> dependent upon the minimum monetary level of the investment product and only transferred upon reaching this level.

It is respectfully submitted that both references cited by the Examiner, Burke and Kalina, taken individually or in combination thereof, fail to suggest or render obvious the Method of Doing Business in a Retail Environment in which a single merging account is established with a bank which is shared by a plurality of customers of the subject Application Round-it system and which combine the differences between the rounded price amounts and the retail price amounts for purchases made by the plurality of customers for investing them collectively into a single investment account owned and

shared by the plurality of enrolled customers. The novel approach of the present invention permits investment of the savings generated upon making purchases by the customers into the investment product in expedited manner due to the collective buying power of the savings of a plurality of customers participating in the subject Application's Round-it program. This is an inventive step and an advantage of the method of the present invention whereby each of the customers avoids unwanted delay in investing. The savings created upon purchases having been made by a customer, are combined with the savings of the other customers and are transferred to the investment vehicle independently of how insufficient the buying power of an individual saving of a customer in comparison to the minimum monetary level of the investment vehicle may be.

The Examiner has suggested a combination of Kalina and Burke results in the Method of Doing Business in a Retail Environment of the present invention. It is respectfully submitted that modification of Burke, which is not Internet-based and which itself fails to disclose a merging account established with a bank for a plurality of customers which is shared by the plurality of customers, and which teaches away from collective ownership of the investment product as it is based on principles of segregation of funds in the individual surplus accounts, with Kalina, which fails to disclose a rounding up method and particularly teaches away from collective approach, does not suggest the claimed subject matter since such a combination still fails to suggest, disclosure, or render obvious the arrangement where a merging account shared by the plurality of customers is established with a bank and where the differences between the rounded price amount and the retail price amount of purchases made by a plurality of

customers are merged together and are invested into a single investment product owned and shared by the plurality of customers.

Independent Claim 22 includes the limitations which clearly separate the present invention from the cited prior art taken individually or in combination thereof. Specifically, the Independent Claim 22 which relates to a Method of Doing Business in a Retail Environment, including the following limitations:

"...transferring the amounts credited...to said personal accounts of said plurality of the enrolled customers to a single merging account established with a bank, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers...".

It is respectfully submitted that these features have not been found either in Burke or in Kalina, whether taken independently or in combination. Moreover, the prior art references teach away from the principles underlying the present invention defined in Claim 22.

None of the cited prior art references recognize the problem solved by the invention of the subject Patent Application, nor the value of using a combined power of the "pennies" of each savings of a plurality of customers to put these "pennies" into circulation in a rapid manner without an idle waiting period as it is customary in the financial and investment fields and as it is taught by Burke and Kalina. In the present invention, this problem has been solved by combining the buying power of the savings of

the plurality of customers and creating a single merging account with a bank in which money are combined for being invested in a single investment product.

Claims 23-29 are Claims are directly or indirectly dependent on Independent Claim 22. They all include the limitations that are cited in Claim 22 and therefore are believed to be patentable for at least the same reasons as previously presented.

Group IV: Claims 30-33

Group IV including Claims 30-33 are related to a Patronage Incentive System. The Burke Patent, in contrast to the present invention provides a CCC which is not for combining a buying power of a plurality of "additional amounts", but merely for managing this "additional amounts". In Burke, the CCC merely manages the "additional amounts" to be further invested (on level 4) into individual accounts (each account for a respective customer) once reaching a predetermined threshold.

In contrast to the Burke Patent, the present invention, provides a merging account which is an account which contains combined buying powers of "savings" of a plurality of customers. The merging account is owned and is shared by the plurality of customers. The merging account does not and is not intended to function as an account manager and/or to communicate with the customers, as does the CCC in Burke.

Further, in Burke, in contrast to the present invention, the CCC segregates the transactions (Col. 4, Lines 36-37) into individual accounts each associated with a separate customer to be further credited to individual surplus accounts.

In the present invention, in contradistinction to Burke, the merging account combines the savings of the payors to be credited into a single investment product.

Burke teaches away from the main principles of the present invention, since Burke is based on individualized investment approach whereby the CCC separates surplus funds into individual surplus accounts for further individual investments when a predetermined threshold level of each individual surplus account is reached.

Burke does suggest investment of savings into mutual funds. However, the Burke system suggests strictly individualized approach to investment where the savings of each individual customer are collected and kept by the CCC until the accumulation of the savings of each individual customer reaches a predetermined threshold level which can be used for opening an account for that individual customer in a mutual fund. When an individual customer decides to open an account in a mutual fund, he/she will have an individual account with a mutual fund, or other investment entity.

The Burke system, in contradistinction with the present invention, fails to suggest, disclose, or render obvious that the CCC combines the savings of all individual accounts of individual customers into a single merging account for investment the savings of all the individual customers into a single investment account established with the investment entity, which is owned and shared by the plurality of customers. In the system and method of the present invention, as opposed to the Burke individualized approach, the investment entity, "sees" this plurality of customers as a single investor owning a single investment product. The investment entity treats the plurality of customers as a single investor and imposes all necessary fees to the investment product as to a single account. In the arrangement of Burke system, the mutual fund or other investment entity will "see" a plurality of individual investment accounts, each account for each individual customer,

as a plurality accounts and applies the fees associated with managing this account to each of the plurality of individual investment accounts.

Furthermore, Burke fails to suggest, disclose or render obvious a mechanism for combining the differences between the rounded price amounts and the retail price amounts from the plurality of the surplus individual accounts for purchases made by the plurality of customers and transferring the differences from the plurality of the individual accounts for the plurality of customers to the merging account.

Opposingly, in the present invention, the buying power of the small savings of a plurality of customers are combined and can be invested in the expedited manner without need to reach a predetermined threshold monetary level established by the investment entity.

With respect to Kalina, this Patent is related to an Internet-based purchase credit award interchange system for converting purchase credit awards through credit exchange system for purchase of the investment vehicle. In Kalina, preassigned purchase credit accumulation earned by a consumer are exchanged from a merchant or creditor through combination of credit cards, coupons, stamps, proof of purchase, etc. for investment in mutual funds or other investment vehicles. Kalina describes a specific implementation, where a credit card account is issued through the Internet to a customer. Upon a purchase being made by a customer, the purchase award account, which is an individual account of the consumer is credited with these credit awards and the credit awards are accumulated in the account of the customer until they reach a predetermined level. Only when a

predetermined level is reached can ownership in the investment vehicle be purchased for this customer with a credit award in the account.

It is respectfully submitted that in addition to failing to disclose the subject Application "Rounding-up" approach, Kalina's method and system differs from the present invention in many areas. Specifically, the basic concept of the Kalina system, similar to Burke, is focused exclusively on an individualized approach to investment and savings. Indeed, in Kalina, in contrast to the present invention, the savings of each single customer are collected in his/her personalized account for a plurality of purchases he/she has made until a predetermined threshold has been reached which is sufficient to acquire an investment vehicle. The "collecting" in Kalina takes an extended time to reach a predetermined threshold of an individual account which would be sufficient to buy an investment product for a single customer. Only when the buying power of a customer's award account reaches a threshold level may ownership in the investment vehicle be acquired. Upon purchasing an investment vehicle, the customer obtains his/her individual "customer investment account" (Col. 4, Line 65 of Kalina) in the investment entity associated with the investment product.

The Kalina reference uses two accounts for each customer, namely a customer reward account and a customer merchant account in the investment center which are individualized accounts.

In opposition to Kalina, the subject Application has a plurality of customers with their savings combined in a merging account established with a bank which is not an individual account, as in Kalina, and is shared by the customer with a plurality of other

customers participating in the subject Application Round-it program. The merging account is established in the present invention with a bank for a plurality of customers. Savings are transferred from this merging account collectively into a single investment account shared by the plurality of the customers almost immediately after purchases have been made, since these savings collectively have a sufficient buying power to overcome the monetary threshold level established by the investment entity.

The present invention provides for a patronage incentive system in which due to the merging of savings of a plurality of customers participating in the patronage incentive system, the savings of customers do not have to be accumulated on a personalized account for each customer until the initial monetary level of the investment is reached. The rapid investment of the savings of the customer is possible due to the combining of his/her savings with the savings of other participating customers that permits the acquisition of the investment product with an investment entity by all participating customers almost immediately after making a purchase independent of any minimum monetary level of the investment product. This approach provides benefits to participating customers, due to time savings in obtaining immediate gains on saved monies. The concept and approach taken by the subject invention system and method teaches away from the Kalina reference system. In Kalina's arrangement, as clearly presented in Col. 2, Lines 30-35, as well as Col. 4, Lines 50-65, and in Col. 6, Lines 15-23, when a pre-assigned award accumulation level has been reached, the collective award in the award account is converted into cash value and an investment vehicle is purchased for a customer. In this fashion, in Kalina, the savings are transferred to individual

<u>investment accounts</u> dependent upon the minimum monetary level of the investment product and only transferred upon reaching this level.

It is respectfully submitted that both references cited by the Examiner, Burke and Kalina, taken individually or in combination thereof, fail to suggest or render obvious the patronage incentive system in which a single merging account is shared by a plurality of customers of the Round-it system. This merging account is established with a bank and containing combined savings of the plurality of customers. The combined differences between the rounded price amounts and the retail price amounts from the purchases made by the plurality of customers are further invested into the single investment account shared by the plurality of customers. The novel approach of the present invention permits investment of the savings generated upon making purchases by the customers into the investment product in an expedited manner due to the collective buying power of the savings of a plurality of customers participating in the round-it program. This is an inventive step and an advantage of the system of the present invention whereby each of the customers avoids unwanted delay until the predetermined threshold level (e.g., the monetary level sufficient for opening an account with an investment entity) has been reached. The savings created upon purchases have been made by a customer, are combined with the savings of the other customers and are transferred to the investment vehicle independently of how insufficient the buying power of an individual saving of a customer in comparison to the minimum monetary level of the investment vehicle may be.

The Examiner has combined Kalina and Burke in his Official Action rejections and has erroneously come to the conclusion that this results in the patronage incentive system of the present invention. It is respectfully submitted that modification of Burke, which is not Internet-based and which itself fails to disclose a merging account established with a bank for a plurality of customers and shared by the plurality of customers, and which teaches away from collective ownership of the investment product as it is based on principles of segregation of funds in the individual surplus accounts, with Kalina, which fails to disclose the subject Patent Application rounding up approach and particularly teaches away from a collective approach, do not suggest the claimed subject matter since such a combination still fails to suggest, disclosure, or render obvious the arrangement where a merging account shared by the plurality of customers is established with a bank and where the differences between the rounded price amount and the retail price amount of purchases made by a plurality of customers are merged together in the single merging account to be invested into the single investment account.

Independent Claim 30 includes the limitations which clearly separates the present invention from the cited prior art taken individually or in combination thereof. Specifically, Independent Claim 30 which is directed to a patronage incentive system includes the following limitation (inter alia):

"...said saving software program establishing a single merging account associated with a bank and transferring the difference between said rounded price amount and said retail price for each customer transaction to said single merging account for periodic investment in a predetermined single mutual fund, said single merging account

containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said single merging account and said single mutual fund are shared by said plurality of enrolled customers…".

It is respectfully submitted that these features have not been found either in Burke or in Kalina, whether taken independently or in combination thereof. Moreover, these features are clearly taught away by Burke and/or Kalina.

None of the prior art references recognize the problem solved by the invention of the subject Patent Application, nor the value of using a combined power of the "pennies" of each savings of a plurality of customers to put these "pennies" into circulation in a rapid manner without the idle waiting period which is necessary for accumulating the funds to reach a predetermined threshold monetary level as is customary in the financial and investment fields and as is further taught by the Burke and/or Kalina. In the present invention, this problem has been solved by combining the buying power of the savings of the plurality of customers in a single merging account and investing the combined savings into a single mutual fund in which money can be invested independent of the initial monetary level established by the investment entity, thus initiating gains on each penny of savings in an expedited manner.

Claims 31-33 are Claims directly or indirectly dependent on Independent Claim 30. These Claims include the limitations that are cited in Claim 30 and therefore are believed to be patentable for at least the same reasons.

Conclusion

In summation, the Applicant submits that in the arrangement propounded by the Examiner as the basis for rejection of the Claims:

1. A combination of references Burke and Kalina does not teach or even suggest Appellant's claimed structure and method, since both these references teach away from the principles underlying the system and method of the present invention.

2. None of the cited references, Burke and Kalina, either alone or in combination, disclose or suggest a single merging account containing combined differences between the rounded price amounts and the retail price amounts from the plurality of customers for investment the combined savings into a single investment account established with an investment entity and shared by said plurality of customers, and

combining the differences between the rounded price amounts and the retail price amounts from the plurality of individual accounts for purchases made by the plurality of customers and transferring the combined differences from the plurality of individual accounts for the plurality of customers to the merging account, as claimed in Claims 1-33.

For all of the foregoing reasons, Appellant respectfully submits that the invention as disclosed and claimed is patentably distinct; that the Claims of the Appeal are allowable; and request that the Examiner's rejection of the appealed Claims be reversed.

In the event there are any further charges associated with the filing of the subject Appeal Brief, the Honorable Director of Patents and Trademarks is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,

Morton J. Rosenberg
Attorney for Applicant/Appellant
Dated: 7/5/05

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410-465-6678

APPENDIX A

CLAIMS ON APPEAL

1. A patronage incentive system, comprising:

a computer system for interactive communication between a plurality of enrolled customers having access to the Internet and at least one participating retailer having at least one point-of-sale terminal, said enrolled customers purchasing a product offered by said at least one participating retailer at said at least one point-of-sale terminal thereof at a retail price,

a saving software program integrated into said computer system at said at least one point-of-sale terminal of said at least one participating retailer;

a predetermined single mutual fund;

each of said customers initiating the enrollment thereof in said patronage incentive system by interacting with said saving software program through the Internet to establish a personal account associated with said each customer and to receive a predetermined identifier of said each customer;

said saving software program for:

(a) rounding up said retail price of the purchased product to a rounded price amount,

(b) crediting the difference between said rounded price amount and said retail price to said personal account associated with said each enrolled customer making purchase, and

(c) transferring the amounts credited to said personal accounts for said plurality of enrolled customers into a merging account for investment into said predetermined single mutual fund, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers.

2. The patronage incentive system of Claim 1, further including a plurality of said participating retailers.

3. The patronage incentive system of Claim 1, further including a bank, said personal account associated with said each enrolled customer being an account established by said saving software program in said bank.

4. The patronage incentive system of Claim 3, wherein said bank transfers for investment the difference between said rounded price amount and said retail price of the purchased product by establishing said merging account for said plurality of the enrolled customers with said predetermined mutual fund.

5. The patronage incentive system of Claim 1, wherein said saving software program further includes customer relationship means interactively communicating with each said customer through the Internet and transmitting information regarding said personal account associated with said each enrolled customer to each said customer.

6. The patronage incentive system of Claim 4, wherein said saving software program calculates a share of said each customer in said merging account and transmits the information regarding said share to said each customer.

7. The patronage incentive system of Claim 1, wherein, upon a liquidation request of said each customer, said saving software program liquidates said personal account and issues a refund for said each customer.

8. The patronage incentive system of Claim 1, wherein said saving software program credits said difference to said personal account through electronic transfer.

9. The patronage incentive system of Claim 1, wherein said saving software program transfers said difference credited to said personal account of said each enrolled customer to said single mutual fund periodically.

10. The patronage incentive system of Claim 1, wherein said saving software program calculates and records the amounts credited into said personal account.

11. The patronage incentive system of Claim 1, wherein said at least one point-of-sale terminal of said at least one retailer includes a cash register screen, said saving software programs further displaying said amount credited to said personal account on said cash register screen.

12. The patronage incentive system of Claim 1, wherein said saving software program further identifies said enrolled customer, the amount of the deposit credited to said personal account, and the date/time of the transaction.

13. The patronage incentive system of Claim 1, wherein said saving software program provides information on said personal account to said enrolled customer associated therewith through the Internet.

14. A method of operating a patronage incentive system, comprising the steps of:

providing a computer system for interactive communication between a plurality of customers and at least one retailer having at least one point-of-sale terminal,

integrating a saving software program having a customer interactive indicia into said computer system at said at least one point-of-sale terminal of said at least one retailer,

initiating enrollment of each of said plurality of customers with said patronage incentive system by interaction of each said customer with said saving software program through the Internet to establish a personal account associated with said customer and to provide each said enrolled customer with an identification means,

making a purchase by said enrolled customer of a product offered by said at least one retailer at said at least one point-of-sale terminal thereof in exchange for a retail price;

actuating said saving software program at said at least one point-of-sale terminal of said at lest one retailer by identifying said enrolled customer by said identification means, thereby authorizing said saving software program to initiate the saving process, including the steps of:

(a) rounding up said retail price to a rounded price amount,

(b) crediting the difference between said rounded price amount and said retail price to said personal account of said each enrolled customer, and

(c) transferring the amounts credited in each step (b) to personal accounts of said plurality of the enrolled customers to a single merging account established with a bank for periodic investment into a predetermined single mutual fund, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers.

15. The method of Claim 14, further including the steps of creating a network of a plurality of said retailers participating in said patronage incentive system.

16. The method of Claim 14, further including the steps of:

establishing a personal account database by said saving software program, and recording therein data corresponding to each transaction with said personal accounts, and a share of each said enrolled customer in said predetermined single mutual fund.

17. The method of Claim 16, further including the steps of:

providing information to each said enrolled customer regarding said personal accounts over the Internet.

18. The method of Claim 14, further including the step of registration of each said customer by said saving software program to participate in said patronage incentive system.

19. The method of Claim 14, further including the steps of:

liquidating said personal account upon said enrolled customer request, and,

issuing a withdrawal to said enrolled customer.

20. The method of Claim 14, wherein said difference is credited to said personal account instantly.

21. The method of Claim 14, wherein said difference is transferred to said single merging account periodically.

22. A method of doing business in a retail environment, comprising the steps of:

providing a computer system for interactive communication between a plurality of customers and at least one retailer having at least one point-of-sale terminal,

integrating a saving software program having customer interactive indicia into said computer system at said at least one point-of-sale terminal of said at least one retailer,

initiating enrollment of each of said plurality of customers with said patronage incentive system by interacting by each said customer with said saving software program through the Internet to establish a personal account associated with said customer and to provide each said enrolled customer with an identification means,

making a purchase by said enrolled customer of a product offered by said at least one retailer at said at least one point-of-sale terminal thereof in exchange for a retail price;

actuating said saving software program at said at least one point-of-sale terminal of said at least one retailer by identifying said enrolled customer by said identification means, thereby authorizing said saving software program to initiate the saving process, including the steps of:

(a) rounding up said retail price to a rounded price amount,

(b) crediting the difference between said rounded price amount and said retail price to said personal account of said each enrolled customer, and

(c) transferring the amounts credited in each step (b) to said personal accounts of said plurality of the enrolled customers to a single merging account established with a bank, said merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said merging account and said single mutual fund are shared by said plurality of enrolled customers, and

(d) investing the collective amounts transferred into said merging account in said step (c) in a predetermined single mutual fund.

23. The method of doing business of Claim 22, further including the steps of creating a network of a plurality of said retailers participating in said patronage incentive system.

24. The method of doing business of Claim 22, further including the steps of:

establishing a personal account database by said saving software program, and recording therein data corresponding to each transaction with said personal accounts, and a share of each said enrolled customer in said predetermined single mutual fund.

25. The method of doing business of Claim 24, further including the steps of:

providing information to each said enrolled customer regarding said personal accounts over the Internet.

26. The method of doing business of Claim 22, further including the step of registration of each said customer by said saving software program to participate in said patronage incentive system.

27. The method of doing business of Claim 22, further including the steps of:

liquidating said personal account upon said enrolled customer request, and,

issuing a withdrawal to said enrolled customer.

28. The method of doing business of Claim 22, wherein said difference is credited to said personal account instantly.

29. The method of doing business of Claim 22, wherein said difference is transferred to said single merging account periodically.

30. A patronage incentive system, comprising:

a computer system for interactive communication between a plurality of customers enrolled in said patronage incentive system and having access to the Internet, and at least one retailer participating in said patronage incentive system, said customers purchasing a respective product offered by said at least one retailer at at least one point-of-sale terminal thereof at a retail price;

a saving software program integrated into said computer system at said at least one point-of-sale terminal of said at least one participating retailer, said saving software program being interactive with each said enrolled customer through the Internet; and,

a data transmission signal generated by said computer system to be sent to a central data base indicating a rounded price amount for each customer transaction, said saving software program establishing a single merging account associated with a bank and transferring the difference between said rounded price amount and said retail price for each customer transaction to said single merging account for periodic investment in a predetermined single mutual fund, said single merging account containing combined differences between said rounded price amounts and said retail prices for said plurality of enrolled customers, whereby said single merging account and said single mutual fund are shared by said plurality of enrolled customers.

31. The patronage incentive system of Claim 30, wherein said saving software program calculates a share of each of said plurality of said enrolled customers in said predetermined single mutual fund.

32. The patronage incentive system of Claim 30, wherein said saving software program credits said difference between said rounded price amount and said retail price to said personal accounts instantly for each side enrolled customer.

33. The patronage incentive system of Claim 30, wherein said saving software program transfers said difference between said rounded price amount and said retail price to said single merging account periodically.

EXHIBIT A

APPLICATION DRAWINGS

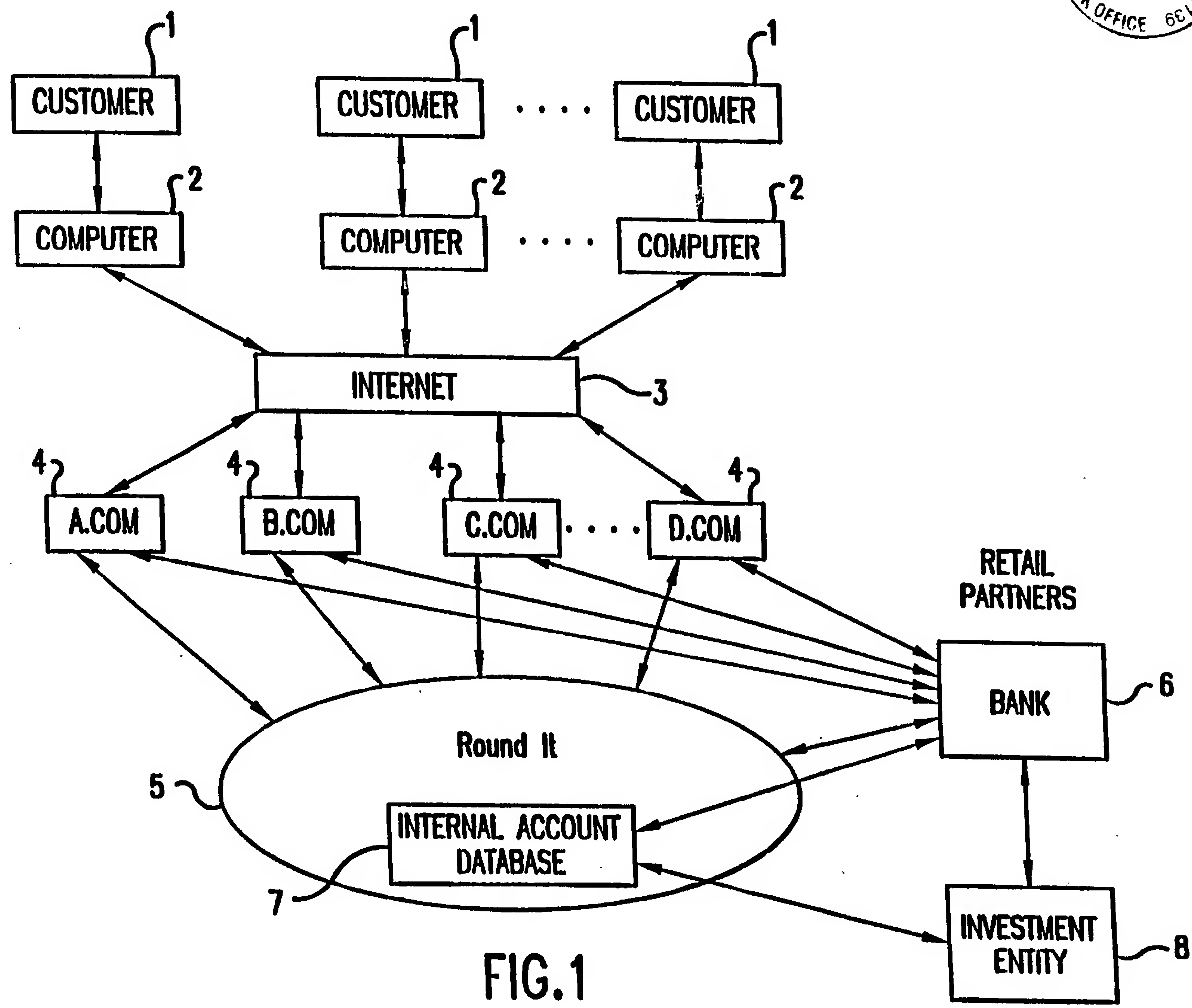
CUSTOMER
1
COMPUTER
2
INTERNET
3
A.COM
B.COM
C.COM
D.COM
4
RETAIL PARTNERS
BANK
6
Round It
5
INTERNAL ACCOUNT DATABASE
7
INVESTMENT ENTITY
8

FIG.1

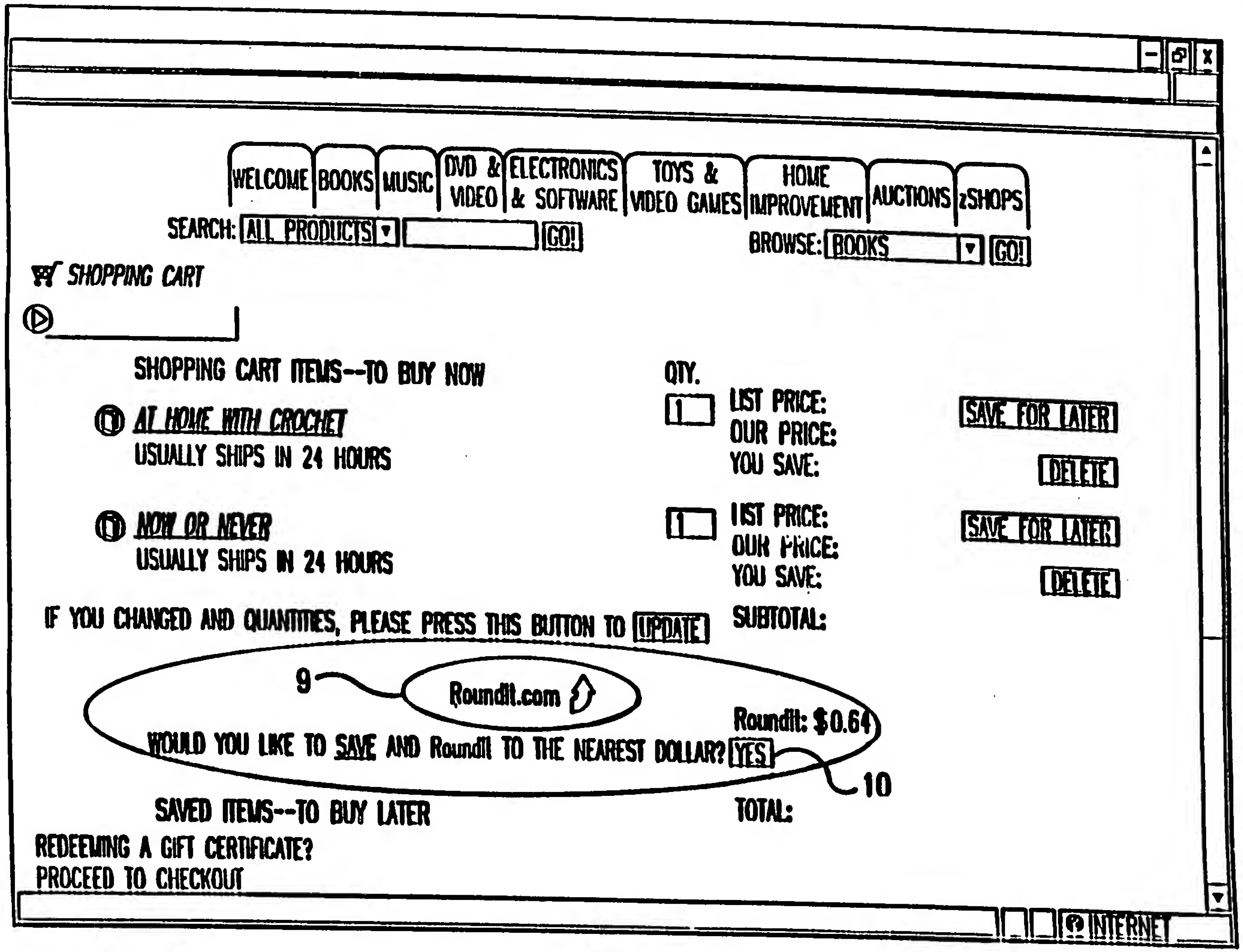
WELCOME
BOOKS
MUSIC
DVD & VIDEO
ELECTRONICS & SOFTWARE
TOYS & VIDEO GAMES
HOME IMPROVEMENT
AUCTIONS
zSHOPS
SEARCH: ALL PRODUCTS
GO!
BROWSE: BOOKS
GO!
SHOPPING CART
SHOPPING CART ITEMS--TO BUY NOW
QTY.
AT HOME WITH CROCHET
USUALLY SHIPS IN 24 HOURS
1
LIST PRICE:
OUR PRICE:
YOU SAVE:
SAVE FOR LATER
DELETE
NOW OR NEVER
USUALLY SHIPS IN 24 HOURS
1
LIST PRICE:
OUR PRICE:
YOU SAVE:
SAVE FOR LATER
DELETE
IF YOU CHANGED AND QUANTITIES, PLEASE PRESS THIS BUTTON TO UPDATE
SUBTOTAL:
9
RoundIt.com
RoundIt: $0.64
WOULD YOU LIKE TO SAVE AND RoundIt TO THE NEAREST DOLLAR? YES
10
SAVED ITEMS--TO BUY LATER
TOTAL:
REDEEMING A GIFT CERTIFICATE?
PROCEED TO CHECKOUT
INTERNET

FIG.2

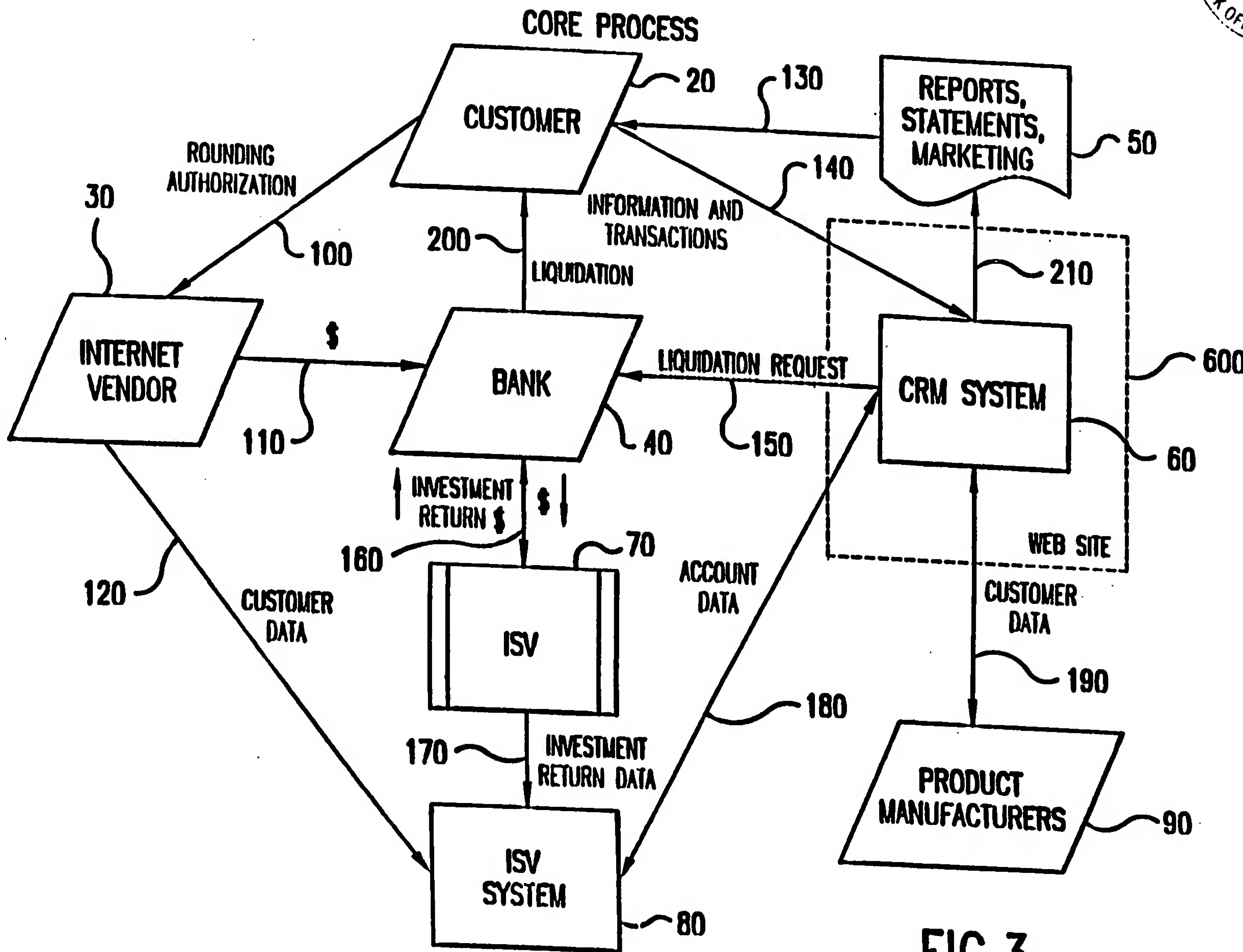
CORE PROCESS
CUSTOMER
20
130
REPORTS, STATEMENTS, MARKETING
50
ROUNDING AUTHORIZATION
30
100
200
140
INFORMATION AND TRANSACTIONS
LIQUIDATION
210
INTERNET VENDOR
$
BANK
LIQUIDATION REQUEST
CRM SYSTEM
600
110
40
150
60
INVESTMENT RETURN $
$
160
70
ACCOUNT DATA
WEB SITE
120
CUSTOMER DATA
ISV
CUSTOMER DATA
190
180
170
INVESTMENT RETURN DATA
PRODUCT MANUFACTURERS
90
ISV SYSTEM
80

FIG.3

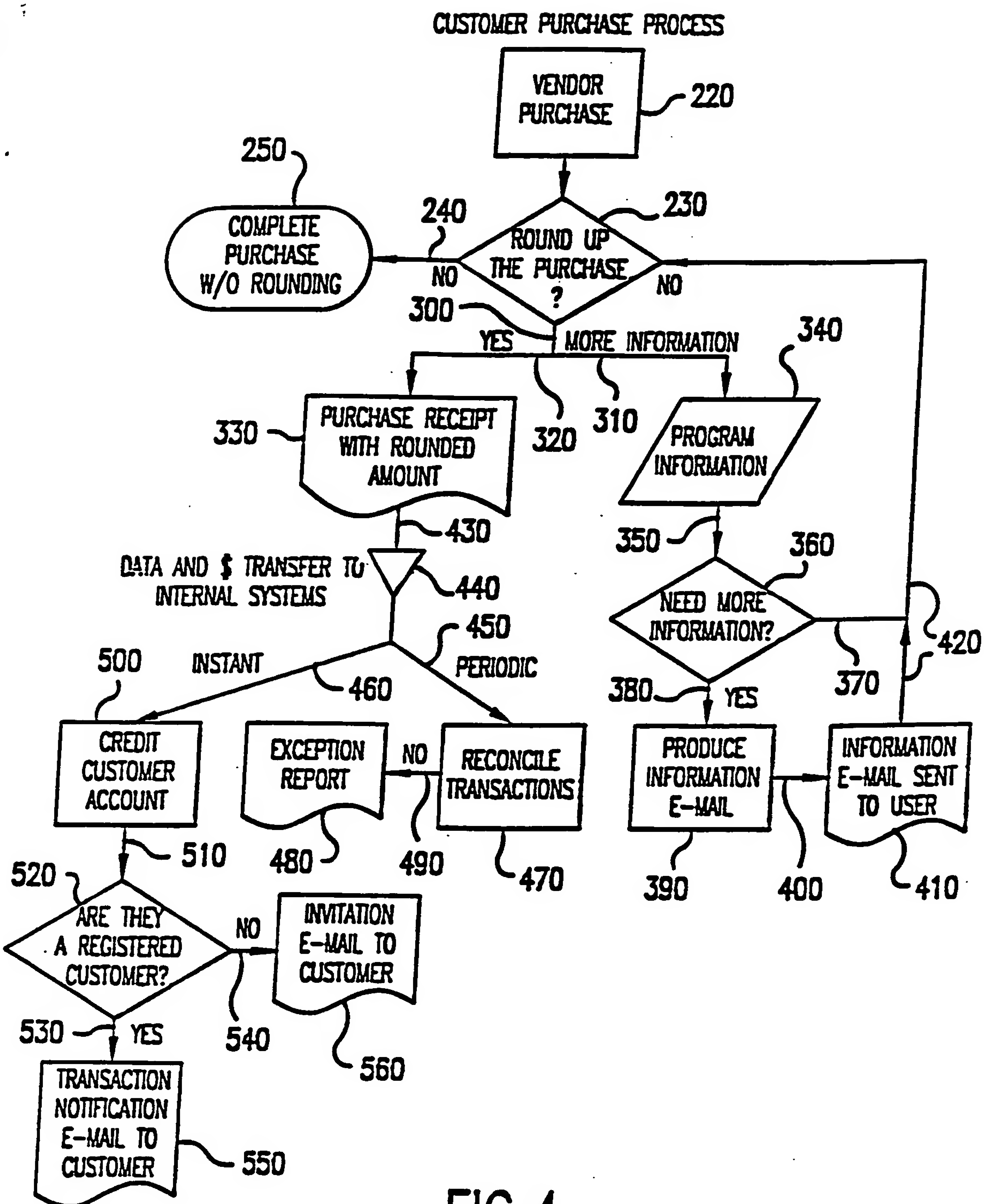
CUSTOMER PURCHASE PROCESS
VENDOR PURCHASE
220
250
COMPLETE PURCHASE W/O ROUNDING
240
NO
ROUND UP THE PURCHASE ?
230
NO
300
YES
MORE INFORMATION
340
330
PURCHASE RECEIPT WITH ROUNDED AMOUNT
320
310
PROGRAM INFORMATION
430
350
360
DATA AND $ TRANSFER TO INTERNAL SYSTEMS
440
NEED MORE INFORMATION?
450
420
500
INSTANT
PERIODIC
460
380
YES
370
CREDIT CUSTOMER ACCOUNT
EXCEPTION REPORT
NO
RECONCILE TRANSACTIONS
PRODUCE INFORMATION E-MAIL
INFORMATION E-MAIL SENT TO USER
510
480
490
470
390
400
410
520
ARE THEY A REGISTERED CUSTOMER?
NO
INVITATION E-MAIL TO CUSTOMER
530
YES
540
560
TRANSACTION NOTIFICATION E-MAIL TO CUSTOMER
550

FIG.4

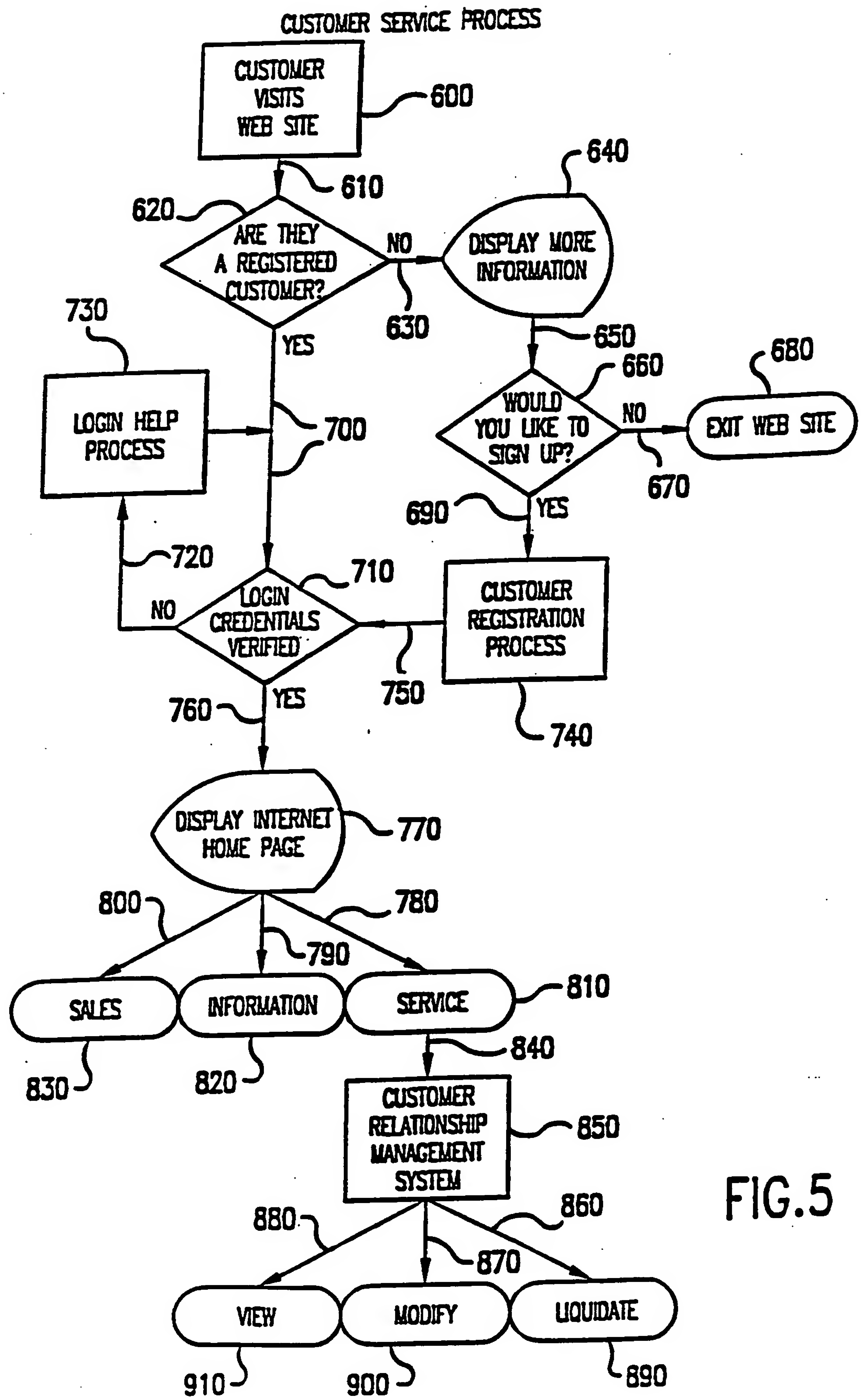
CUSTOMER SERVICE PROCESS
CUSTOMER VISITS WEB SITE
600
610
620
ARE THEY A REGISTERED CUSTOMER?
NO
630
640
DISPLAY MORE INFORMATION
650
660
WOULD YOU LIKE TO SIGN UP?
NO
670
680
EXIT WEB SITE
YES
690
CUSTOMER REGISTRATION PROCESS
740
750
YES
730
LOGIN HELP PROCESS
700
720
NO
LOGIN CREDENTIALS VERIFIED
710
YES
760
DISPLAY INTERNET HOME PAGE
770
800
780
790
SALES
INFORMATION
SERVICE
810
830
820
840
CUSTOMER RELATIONSHIP MANAGEMENT SYSTEM
850
880
860
870
VIEW
MODIFY
LIQUIDATE
910
900
890

FIG.5

Roundit - Core Process

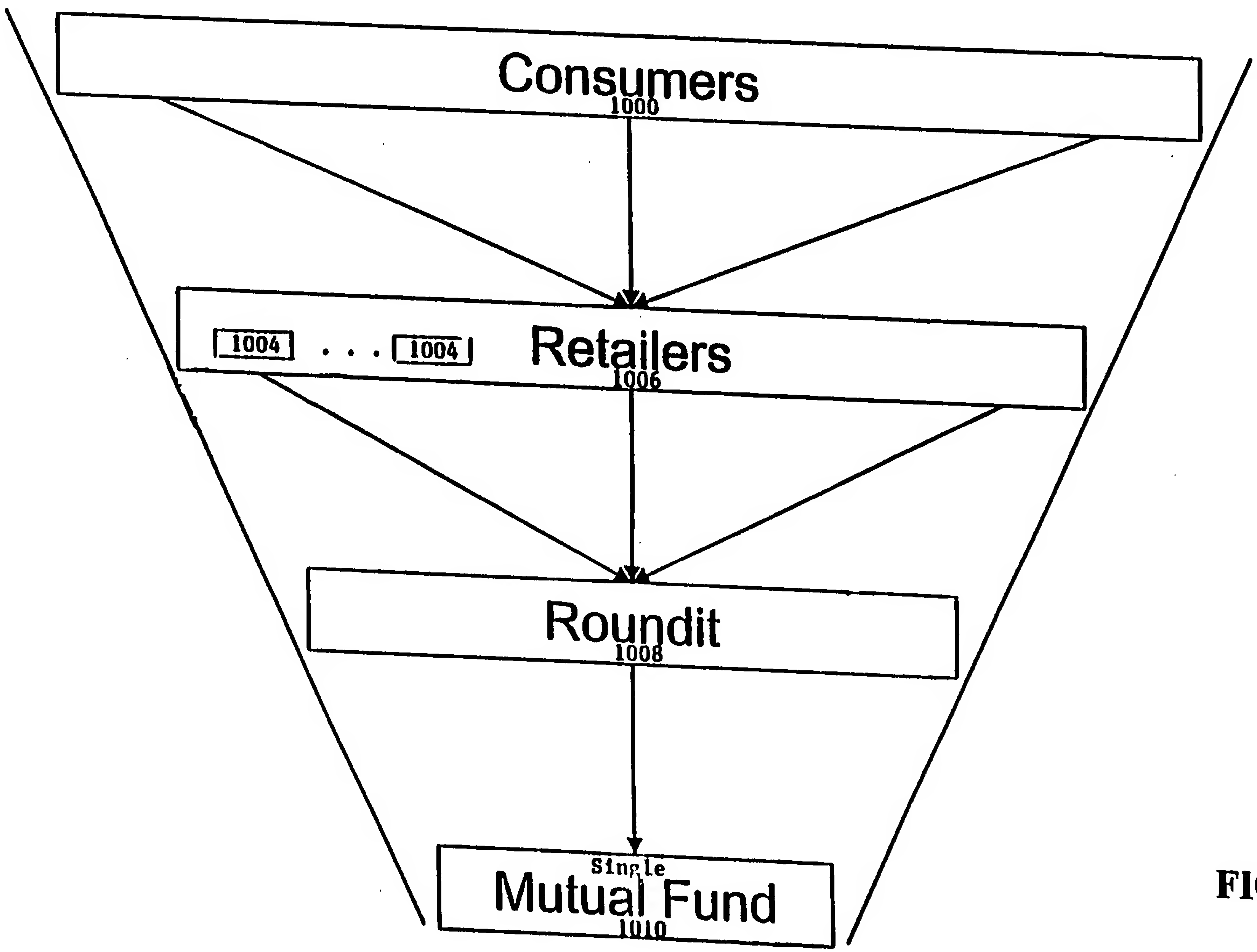

FIG. 6

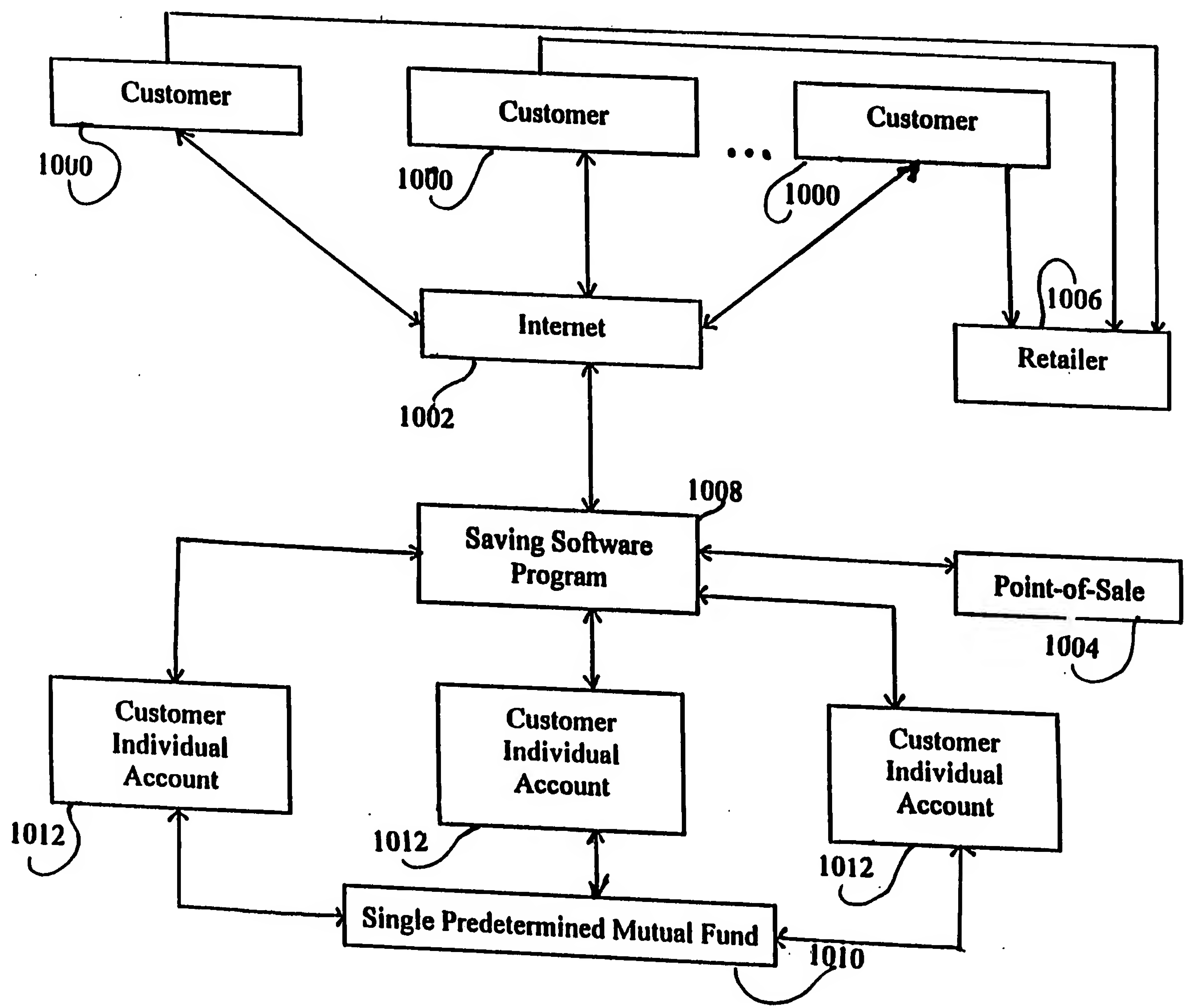
Customer
1000
Customer
1000
Customer
1000
Internet
1002
Retailer
1006
Saving Software Program
1008
Point-of-Sale
1004
Customer Individual Account
1012
Customer Individual Account
1012
Customer Individual Account
1012
Single Predetermined Mutual Fund
1010

FIG. 7

DATA PROCESS

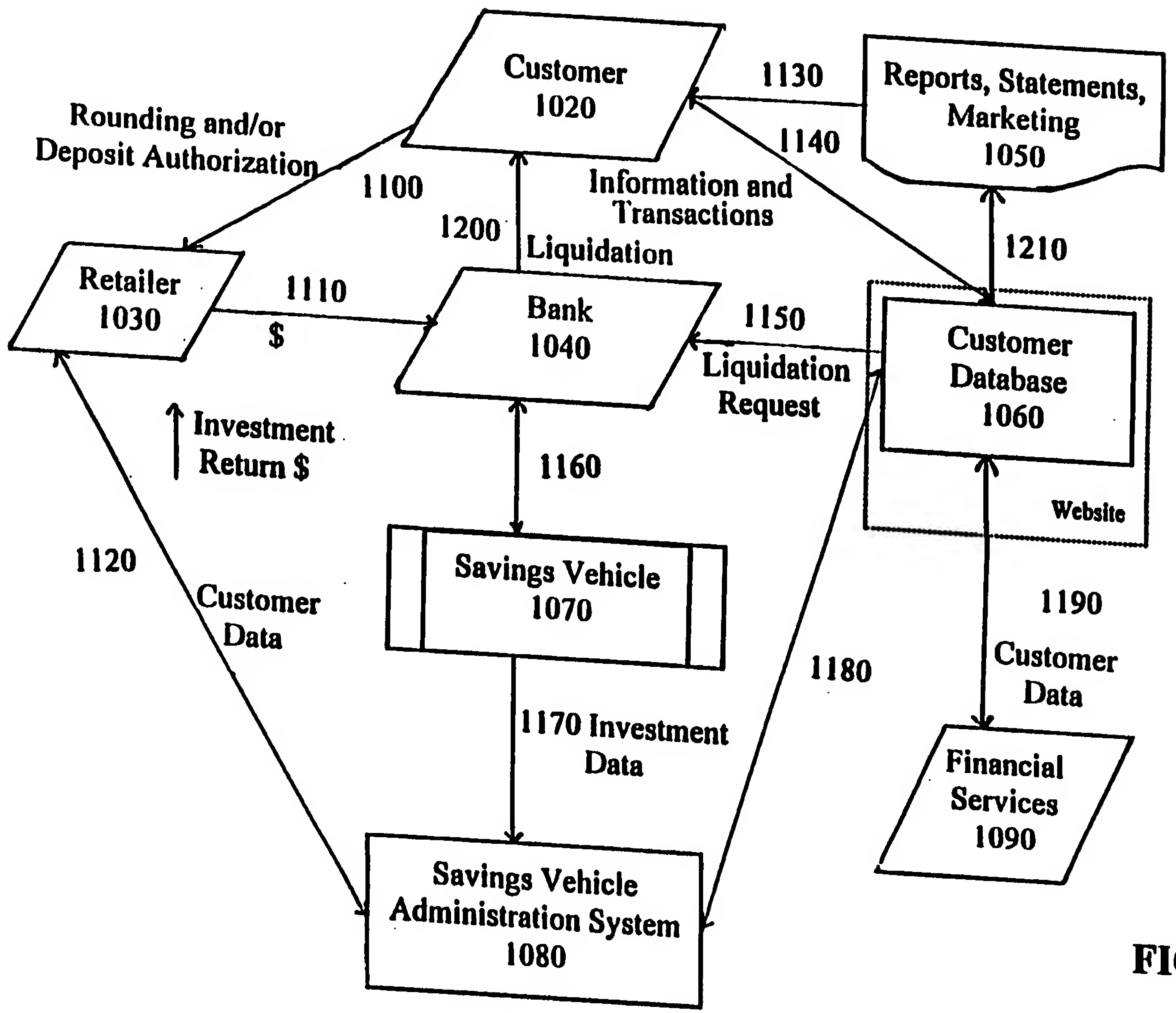

FIG. 8